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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

BULGARIA

CRIMINAL PROCEDURE CODE WITH DRAFT AMENDMENTS (CONSOLIDATED VERSION)

Criminal Procedure Code

Promulgated, State Gazette No. 86/28.10.2005, effective 29.04.2006, amended, SG No. 46/12.06.2007, effective 1.01.2008, amended and supplemented, SG No. 109/20.12.2007, effective 1.01.2008, amended, SG No. 69/5.08.2008, amended and supplemented, SG No. 109/23.12.2008, amended, SG No. 12/13.02.2009, effective 1.05.2009, amended and supplemented, SG No. 27/10.04.2009, supplemented, SG No. 33/30.04.2009, amended and supplemented, SG No. 15/22.02.2010, SG No. 32/27.04.2010, effective 28.05.2010, amended, SG No. 101/28.12.2010, amended and supplemented, SG No. 13/11.02.2011, effective 12.08.2011, amended, SG No. 33/26.04.2011, effective 27.05.2011, supplemented, SG No. 60/5.08.2011, amended, SG No. 61/9.08.2011, amended and supplemented, SG No. 93/25.11.2011; amended with Decision No. 10 of the Constitutional Court of the Republic of Bulgaria - SG No. 93/25.11.2011; supplemented, SG No. 19/6.03.2012, effective 6.03.2012, amended, SG No. 20/9.03.2012, effective 10.06.2012, amended and supplemented, SG No. 25/27.03.2012, effective 28.04.2012, supplemented, SG No. 60/7.08.2012, effective 8.09.2012, SG No. 17/21.02.2013, SG No. 52/14.06.2013, effective 14.06.2013, amended and supplemented, SG No. 70/9.08.2013, effective 9.08.2013, SG No. 71/13.08.2013, SG No. 21/8.03.2014, SG No. 14/20.02.2015, SG No. 24/31.03.2015, effective 31.03.2015, SG No. 41/5.06.2015, effective 6.07.2015, SG No. 42/9.06.2015, supplemented, SG No. 60/7.08.2015, amended and supplemented, SG No. 74/26.09.2015, amended, SG No. 79/13.10.2015, effective 1.11.2015, SG No. 32/22.04.2016, amended and supplemented, SG No. 39/26.05.2016, effective 26.05.2016, SG No. 62/9.08.2016, effective 9.08.2016, supplemented, SG No. 81/14.10.2016, effective 14.10.2016, SG No. 95/29.11.2016, amended and supplemented, SG No. 13/7.02.2017, effective 7.02.2017, SG No. 63/4.08.2017, effective 5.11.2017, supplemented, SG No. 101/19.12.2017, amended and supplemented, SG No. 7/19.01.2018, SG No. 44/29.05.2018; amended with Decision No. 14/9.10.2018 of the Constitutional Court of the Republic of Bulgaria - SG No. 87/19.10.2018; amended and supplemented, SG No. 96/20.11.2018, SG No. 7/22.01.2019, supplemented, SG No. 16/22.02.2019, SG No. 83/22.10.2019, amended and supplemented, SG No. 98/17.11.2020, SG No. 103/4.12.2020, SG No. 110/29.12.2020, effective 30.06.2021, amended, SG No. 9/2.02.2021, effective 6.02.2021, supplemented, SG No. 16/23.02.2021, amended, SG No. 20/9.03.2021; Decision No. 7/11.05.2021 of the Constitutional Court of the Republic of Bulgaria - SG No. 41/18.05.2021; amended, SG No. 80/24.09.2021; Decision No. 13/5.10.2021 of the Constitutional Court of the Republic of Bulgaria - SG No. 85/12.10.2021; amended and supplemented, SG No. 32/26.04.2022, effective 27.07.2022

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*Note: An update of the English text of this Act is being prepared following the amendments in SG No. 62/5.08.2022, effective 9.08.2022

Text in Bulgarian: Наказателно-процесуален кодекс

PART ONE
GENERAL RULES

Chapter one
OBJECTIVES AND LIMITED SCOPE OF APPLICATION

Objectives of the Criminal Procedure Code
Article 1

(1) The Criminal Procedure Code shall determine the order for conducting criminal proceedings with a view to ensuring detection of crimes, denouncement of culpable persons and proper application of the law.

(2) While realising the objectives under Paragraph 1, the Criminal Procedure Code shall ensure that adequate protection is afforded from criminal offences against the Republic of Bulgaria, the life, freedom, honour, rights and legal interests of citizens, as well as against the rights and legal interests of legal persons, and it shall further contribute to the prevention of crime and the reinforcement of legality.

Ratione materiae

Article 2

(1) (Amended, SG No. 103/2020) The Criminal Procedure Code shall apply to all criminal cases initiated by the authorities of the Republic of Bulgaria, as well as to those initiated by the European Public Prosecutor's Office, unless otherwise provided in Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor’s Office (OJ L 283/1 of 31 October 2017), hereinafter "Regulation (EU) 2017/1939".

(2) The Criminal Procedure Code shall also apply in the execution of commissions rogatory of another state transmitted by virtue of an agreement or through reciprocity.

Ratione temporis

Article 3

The provisions of the Criminal Procedure Code shall also be applied as from the time of their entry into force to procedural actions, which still have to be performed in pending criminal proceedings.

Ratione loci

Article 4

(1) Criminal proceedings instituted by the authorities of another state or a sentence in force issued by a court in another state, said proceedings or sentence not being recognised in pursuance of this Code, shall be no obstacle to the institution of criminal proceedings by the authorities in the Republic of Bulgaria in respect of the same criminal offence against the same individual.

(2) (Amended, SG No. 15/2010) A sentence in force issued by a court in another state, which has not been recognised in pursuance of the Bulgarian legislation, shall not be subject to enforcement by the authorities of the Republic of Bulgaria.

(3) The provisions of Paragraphs 1 and 2 shall not apply if otherwise provided for by an international treaty to which the Republic of Bulgaria is a party where said treaty has been ratified, publicised and has entered in force.

Application with respect to persons enjoying immunity

Article 5

Procedural actions provided for by this Code may be applied with regard to persons who enjoy immunity from the criminal jurisdiction of the Republic of Bulgaria, only in compliance with the norms of international law.

Chapter two
FUNDAMENTAL PRINCIPLES

Administration of justice in criminal cases by the courts only

Article 6

(1) Justice in criminal cases shall be administered only by those courts which have been

established by virtue of the Constitution of the Republic of Bulgaria.

(2) No extraordinary courts or tribunals for the trial of criminal cases shall be allowed.

Central role of court proceedings

Article 7

(1) Court proceedings shall have a central role within the criminal process.

(2) Pre-trial proceedings shall have a preparatory nature.

Participation of court assessors in criminal proceedings

Article 8

(1) In the hypotheses and in accordance with the procedures herein provided for, court assessors shall take part in criminal proceedings.

(2) Court assessors shall have the same rights as judges.

Designation

Article 9

Only judges, court assessors, prosecutors and investigative bodies who have been designated in pursuance of the procedure established to this effect, shall take part in criminal proceedings.

Independence of the bodies entrusted with criminal proceedings

Article 10

In the discharge of their functions judges, court assessors, prosecutors and investigative bodies shall be independent and shall only obey the law.

Equality of citizens in criminal proceedings

Article 11

(1) All citizens who take part in criminal proceedings shall be equal before the law. Neither restriction on any rights, nor any privileges shall be allowed on the basis of race, nationality, ethnicity, sex, origin, religion, education, convictions, political affiliations, personal or social status or property.

(2) The court and pre-trial authorities shall proceed accurately in applying the law equally to all citizens.

Adversarial nature of proceedings. Equality of arms afforded to the parties

Article 12

(1) Court proceedings shall be adversarial.

(2) The parties in court proceedings shall have equal procedural rights, except in the cases specified by this Code.

Discovery of the objective truth

Article 13

(1) Within the limits of their competence, the court, the prosecutor and investigative bodies shall be obligated to apply all available measures in order to secure discovery of the objective truth.

(2) Objective truth shall be discovered in pursuance hereof, through the means herein specified.

Making decisions out of inner conviction

Article 14

(1) The court, the prosecutor and investigative bodies shall make their decisions by inner conviction, which shall be based on the objective, comprehensive and complete investigation of all circumstances relevant to the case, taking the law as guidance.

(2) Evidence and the objective forms used to establish their existence may not have any value set in advance.

Right of defence

Article 15

(1) The accused party shall enjoy the right of defence.

(2) The accused party and the other persons who take part in criminal proceedings shall be afforded all procedural means necessary for the defence of their rights and legal interests.

(3) The court, the prosecutor and investigative bodies shall explain the persons under Paragraph 2 their procedural rights and shall ensure the possibility to exercise them.

(4) The victim shall be provided with all means of procedural leverage required to fend for the defence of his/her rights and legal interests.

Presumption of innocence

Article 16

The accused party shall be presumed innocent until the reverse is established by virtue of an effective verdict.

Inviolability of the person

Article 17

(1) No measures of coercion shall be applied to citizens who take part in criminal proceedings, except for cases herein specified and in pursuance hereof.

(2) No citizen may be held for more than 24 hours in detention unauthorised by court. The prosecutor may issue a warrant for the detention of the accused party until he/she is brought before court.

(3) The respective body shall be obligated to immediately notify a person indicated by the detained individual of the detention.

(4) The Ministry of Foreign Affairs shall be immediately notified where the detained individual is a foreign national.

(5) The court, the prosecutor and investigative bodies shall be obligated to release any citizen who has been illegally deprived of his/her freedom.

Immediacy

Article 18

The court, the prosecutor and investigative bodies shall base their decisions on evidentiary materials which they shall collect and inspect in person, except for the cases herein specified.

Criminal proceedings shall be conducted orally

Article 19

Criminal proceedings shall be conducted orally, except in the cases specified by this Code.

Publicity of hearings in court

Article 20

Court hearings shall be public, except in cases specified by this Code.

Language of criminal proceedings

Article 21

(1) Criminal proceedings shall be conducted in the Bulgarian language.

(2) Persons who do not have command of the Bulgarian language can make use of their native or another language. An interpreter shall be appointed in this case.

Trial and disposal of cases within reasonable time

Article 22

(1) The court shall try and dispose of the cases within reasonable time.

(2) The prosecutor and investigative bodies shall be obligated to secure the conduct of pre-trial proceedings within the time limits set forth in this code.

(3) Cases in which the accused party has been remanded in custody shall be investigated, examined and disposed of before other cases.

Chapter three
INSTITUTION, TERMINATION AND SUSPENSION OF CRIMINAL PROCEEDINGS

Obligation to institute criminal proceedings

Article 23

(1) In presence of the conditions herein specified, the competent public body shall be obligated to institute criminal proceedings.

(2) In the cases set forth in this code criminal proceedings shall be considered instituted by virtue of the first action marking the beginning of investigation.

Grounds which exclude the institution of criminal proceedings and grounds for their termination

Article 24

(1) Criminal proceedings shall not be instituted and, if instituted, they shall be terminated, where:

1. (Amended, SG No. 32/2010, effective 28.05.2010) The act has not been committed or does not constitute a criminal offence;

2. The perpetrator is not criminally responsible due to amnesty;

3. Criminal responsibility has been extinguished following expiry of a statutory limitation period;

4. The perpetrator has passed away;

5. After committing the criminal offence, the perpetrator has fallen in a state of lasting mental derangement, which excludes his/her capacity to be liable;

6. Against the same individual and for the same criminal offence there are pending criminal proceedings, a verdict in force, a prosecutorial decree or a court ruling or order in force whereby the case is terminated;

7. In the hypotheses set out in the Special Part of the Criminal Code, in publicly actionable cases, where a complaint of the victim to the prosecutor is missing;

8. The perpetrator is exempted from criminal responsibility and interventions for his/her education are used;

8a. (New, SG No. 63/2017, effective 5.11.2017) The act committed constitutes an administrative violation for which the administrative penal proceedings have been completed;

9. In the hypotheses set out in the Special Part of the Criminal Code, the victim or the legal person suffering damage may extend a request for the termination of criminal proceedings until the commencement of judicial trial before the first-instance court;

10. A transfer of criminal proceedings was allowed in respect of the individual to another state;

11. (Repealed, SG No. 32/2010, effective 28.05.2010).

(2) In cases falling under items 2, 3 and 9, Paragraph 1, criminal proceedings shall not be terminated, where the accused party or the trial defendant extend a request to carry on with proceedings. Amnesty or statutory limitation shall not constitute obstacles to reopening a criminal case, where a convict extends a request to this effect or a prosecutor submits a proposal for

acquittal.

(3) Proceedings in publicly actionable criminal cases shall also terminate, once the court has approved the plea bargain agreement reached on the disposal of the case.

(4) (New, SG No. 63/2017, effective 5.11.2017) Criminal proceedings shall be terminated on the grounds of Paragraph (1), Item 8a, if in the cases specified in Article 25, Item 5 no proposal to reopen the administrative penal proceedings has been made or such proposal has not been upheld within one month of the suspension.

(5) (Renumbered from Paragraph (4), SG No. 63/2017, effective 5.11.2017) Besides cases listed in Paragraph 1, criminal proceedings shall not be instituted for a criminal offence actionable at the complaint of the victim and, where criminal proceedings were instituted, they shall also terminate, provided:

1. There is no complaint;

2. The complaint does not meet the requirements specified in Article 81;

3. The victim and the perpetrator have reconciled, lest the perpetrator has failed to abide by the terms of said conciliation in the absence of valid reasons;

4. The private complainant has withdrawn his/her complaint;

5. The Private complainant has not been found at the address he/she has indicated or fails to make appearance at the court hearing before the first-instance court in the absence of any valid reasons; this provision shall not apply where, instead of the private complainant, his/her counsel appears.

(6) (New, SG No. 7/2019) The criminal proceedings shall be terminated pursuant to Article 5, item 1 also in the cases under Article 25 (1) item 6, if within the six-month period of receiving notice of suspension, the crime victim fails to file a complaint under Article 81.

Suspension of criminal proceedings

Article 25

(1) (Previous text of Article 25, SG No. 63/2017, effective 5.11.2017) Criminal proceedings shall be suspended, where:

1. After committing the criminal offence, the accused party has fallen into a state of short-term mental derangement, which excludes his/her capacity to be liable, or where he/she suffers from another severe ailment, which hinders proceedings to be conducted;

2. Trying the case in the absence of the trial defendant would impede discovering the objective truth;

3. The perpetrator is an individual enjoying immunity.

4. (New, SG No. 63/2017, effective 5.11.2017) The court makes a reference for a preliminary ruling to the Court of Justice of the European Union;

5. (New, SG No. 63/2017, effective 5.11.2017) Administrative penal proceedings for the same act, which constitutes a crime, have been completed;

6. (new, SG No. 7/2019) it is found during the pre-trial proceedings that the crime is prosecuted on the basis of a victim's complaint.

(2) (New, SG No. 63/2017, effective 5.11.2017) Criminal proceedings can be suspended where a response to a request for international legal aid is awaited.

Suspension of criminal proceedings for offences committed in complicity

Article 26

In the case of criminal offences committed in complicity, where the conditions for separation of criminal proceedings are not met, the latter may be suspended with respect to one or several of the accused parties, provided this will not prevent discovering the objective truth.

Chapter four
THE COURT

Section I
Functions and composition of the court in court proceedings.
Types of judicial acts

Functions of the court in court proceedings
Article 27

(1) After the prosecutor files the indictment or the victim files a complaint, the court shall conduct proceedings and shall decide on all matters relevant to the case.

(2) In pre-trial proceedings the court shall discharge its powers as provided for in the special part of this code.

Composition of the court
Article 28

(1) The court shall try criminal cases at first instance in a panel composed of:

1. A single judge, where the criminal offence entails up to five years of deprivation of liberty or a less heavy punishment;

2. (Amended, SG No. 109/2008) A judge and two court assessors, where the criminal offence entails more than five years of deprivation of liberty as punishment;

3. Two judges and three court assessors, where the criminal offence entails no less than 15 years of deprivation of liberty or another, more severe punishment.

(2) While examining cases as an intermediate appellate review instance, the court shall sit in a panel of three judges.

(3) While examining cases as a cassation instance, the Supreme Court of Cassation shall sit in a panel of three judges.

(4) (New, SG No. 93/2011, amended, SG No. 42/2015) In proceedings under Chapter Thirty-Three, the competent court shall sit in chambers of three judges; when reviewing judgments delivered under Article 354, Paragraph 2(2) and Paragraph 5, the court shall sit in chambers of five judges.

(5) (Renumbered from Paragraph 4, SG No. 93/2011) The Chairman of the court, the judge reporting the case and the presiding judge of the panel of the court shall make sole pronouncements in the cases specified by this Code.

Grounds for disqualification of judges and court assessors
Article 29

(1) A judge or an assessor may not be part of the panel of the court who:

1. Was included in the composition of the court, which issued:

a) A sentence or judgement at the first, the appellate or the cassation instance or upon reopening of the criminal case;

b) A ruling endorsing the agreement to dispose of the case;

c) A ruling, whereby criminal proceedings are terminated;

d) (Repealed, SG No. 63/2017, effective 5.11.2017);

2. He/she has been involved in investigating the case;

3. He/she has acted as prosecutor in the case;

4. He/she has had the capacity of an accused party, custodian or guardian of the accused party, of defence counsel or counsel in the case;

5. He/she has been involved or may join the criminal proceedings in the capacity of a private prosecutor, private complainant, a civil claimant or civil respondent;

6. (Amended, SG No. 9/2021, effective 6.02.2021) He/she has had the capacity of witness,

certifying witness, expert witness, interpreter, Bulgarian sign interpreter, or technical expert in the case;

7. He/she is a spouse or close relative to the individuals under item 1 - 6;

8. He/she is a spouse or close relative to another member of the judicial panel.

(2) A judge or assessor may not be part of the court composition due to some other circumstances on account of which he/she may be considered biased or interested, directly or indirectly, in the outcome of the case.

Grounds for disqualification of the secretary

Article 30

Persons under Article 29 may not take part at court hearings as secretaries.

Procedure for disqualification of judges, court assessors and secretaries

Article 31

(1) Judges, court assessors and secretaries shall be obligated to make a recusal in the hypotheses set forth in Articles 29 and 30.

(2) The parties may raise disqualification issues prior to the beginning of judicial trial, except where grounds therefore have arisen or come to their knowledge at a later stage.

(3) Recusals and disqualifications shall be reasoned.

(4) The court shall immediately rule on the well-foundedness of recusals and disqualifications, on the occasion of secret deliberations wherein all members of the panel shall take part.

Types of judicial acts

Article 32

(1) The court shall issue:

1. A sentence, where it resolves, acting as a first and intermediate appellate review instance, matters of guilt and responsibility of the trial defendant;

2. A judgement, where it rules on the well-foundedness of an appeal or a protest or of a request to reopen a criminal case;

3. A ruling - in all remaining cases.

(2) The chairperson of a court, the judge-rapporteur and the chair of a panel shall issue orders.

Procedure for the issuance of acts. Form of judicial acts

(Title supplemented, SG No. 110/2020, effective 30.06.2021)

Article 33

(1) The court shall issue its acts on the occasion of secret deliberations.

(2) Judges and courts assessors shall be bound to keep the secret of deliberations.

(3) Court assessors shall make statements and shall vote before the judges. The chair of the panel shall make statements and shall vote last.

(4) The court shall rule by simple majority, all panel members having an equal right to vote.

(5) Each member of the panel shall have the right to state his/her special opinion, which must be reasoned. Where the judge-rapporteur has to state his/her special opinion, reasoning shall be drafted by another panel member.

(6) At the hearing, rulings of the court and orders of the chair shall be pronounced orally and entered on the record.

(7) (New, SG No. 110/2020, effective 30.06.2021) Judicial acts shall be prepared as an electronic document in the unified information system of the courts and shall be signed with a qualified electronic signature.

(8) (New, SG No. 110/2020, effective 30.06.2021) In case where signatures of parties shall be affixed, the judicial act shall also be drawn up on paper carrier. These acts shall be entered in

electronic form in the unified information system of the courts.

Content of the acts

Article 34

Each act of the court must contain the following: information about the time and location of issuance; denomination of the issuing court, the case-file number in which it is issued; the names of panel members, of the prosecutor and the secretary; reasoning; an operative part and signatures of panel members.

Section II
Jurisdiction

Criminal cases within the jurisdiction of the regional and the district court as first instance

Article 35

(1) All criminal cases shall fall within the jurisdiction of the regional court, with the exception of those in respect of which the district shall have jurisdiction.

(2) (Amended, SG No. 27/2009, effective, 10.04.2009, amended and supplemented, SG No. 13/2011, effective 1.01.2012, amended, SG No. 33/2011, effective 27.05.2011, SG No. 61/2011, amended and supplemented, SG No. 42/2015, amended, SG No. 74/2015, supplemented, SG No. 101/2017, amended, SG No. 32/2022, effective 27.07.2022) All cases for criminal offences covered by Articles 115, 116, 118, 119, 123, 124, Article 131(1)(8) and Items 1 and 2 of Article 131(2), Article 142, the second proposal of Article 142a(2), Article 143(2) and (4), the second proposal of Article 143a(3), Article 149(5), Article 152(4), Article 155(5)(1), Article 156(3)(1), Article 159(5), the second proposal of Article 159d, the first proposal of Article 162(3), Article 162(4), the second proposal of Article 195(1)(9), Articles 196a, 199, 203, Article 206(4), the first proposal of Article 208(5), Article 212(5), the second proposal of Article 213a(2)(5), Article 213a(3) and (4), Article 214(2), Articles 219, 220, 224, 225b, 225c, the first proposal of Article 235(4), Articles 242, 243 – 246, 248 – 250, 252 – 260, 260a – 260c, 277a – 278e, Article 280(2)(5), Articles 282 – 283b, 287a, 301 – 307, 319a – 319f, 321, 321a, Article 330(2) and (3), Articles 333, 334, 340 - 342, Article 343(1)(c), Article 343(3)(b) and Article 343(4), the second proposal of Article 346(6), Article 349(2) and (3), Article 350(3), Article 354a(1) and (2), Article 354b, Article 354c(2) – (4), Article 356b(2), Articles 356f – 356i, 357 - 360 and 407 - 419a of the Criminal Code fall within the jurisdiction of the district court as a court of first instance.

(3) (New, SG No. 32/2022, effective 27.07.2022) The district court as a court of first instance also has jurisdiction over the cases for publicly actionable criminal offences covered by Articles 201 – 205, Article 212(1) – (4), Articles 212a, 226, 251, 285, 287, 288 и 289, where said offences are committed by:

1. deputy ministers;

2. Chairpersons of state agencies and state commissions, executive directors of executive agencies, and deputies thereof;

3. Governor of the National Social Security Institute, the Governor of the National Health Insurance Fund, the Executive Director and the Directors of the Territorial Directorates of the National Revenue Agency;

4. Director of the Customs Agency, heads of customs units, customs offices and points;

5. members of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission and the National Bureau for Control over Special Intelligence Means;

6. Regional Governors and Deputy Regional Governors;

7. members of the Supreme Judicial Council, the chief inspector and the inspectors in the Inspectorate at the Supreme Judicial Council;

8. mayors and deputy mayors of municipalities, mayors and deputy mayors of regions and chairpersons of municipal councils.

(4) (Amended, SG No. 42/2015, renumbered from Paragraph (3), amended, SG No. 32/2022, effective 27.07.2022) Cases for publicly actionable criminal offences committed by magistrates, prosecutors, investigators, other individuals enjoying immunity or members of the Council of Ministers, as well as cases for offences covered by Chapter One of the Special Part of the Criminal Code, shall fall within the jurisdiction of Sofia City Court, as a court of first instance, unless the special rules set out in Chapter Thirty-One apply.

(5) (New, SG No. 32/2022, effective 27.07.2022) In addition, the Sofia City Court shall have jurisdiction over cases within the jurisdiction of the European Public Prosecutor's Office.

(6) (Renumbered from Paragraph (4), SG No. 32/2022, effective 27.07.2022) Where criminal responsibility is reduced on account of subsequent circumstances, it shall not be taken into account in determining jurisdiction.

Jurisdiction at the location of occurrence of the criminal offence

Article 36

(1) The case shall fall within the jurisdiction of the court in the area of which the criminal offence has been committed.

(2) Where the criminal offence has started within the area of one court and has continued in the area of another, the case shall fall within the jurisdiction of the court in the area of which the offence was completed.

(3) Where the location in which the criminal offence has been committed cannot be determined, or where the indictment refers to several offences committed in the areas of different courts, the case shall fall within the jurisdiction of the court in the area of which pre-trial proceedings were completed.

Jurisdiction for criminal offences committed abroad

Article 37

(1) (Amended, SG No. 32/2010, effective 28.05.2010) Cases for criminal offences committed abroad shall fall within the jurisdiction of:

1. Sofia courts, if the person is a foreign national or the crime has been committed with a foreign national as accessory;

2. The court at the place of residence of the individual, where he/she is a Bulgarian citizen or where the accessories to the crime are Bulgarian nationals whose place of residence falls within the circuit of one and the same court;

3. The court within the circuit of which pre-trial proceedings were completed, where the conditions under Items 1 and 2 are not satisfied.

(2) Where the criminal offence has been committed on a Bulgarian vessel or aircraft, outside the limits of the country, the case shall fall within the jurisdiction of the court in the area of the seaport or airport, to which said vessel or aircraft belongs.

(3) Cases for criminal offences committed by military service officers with the Armed Forces and by officers of the Ministry of the Interior who have taken part in international military or police missions abroad shall fall within the jurisdiction of Sofia Military Court.

Jurisdiction in the event of several criminal offences committed by one and the same individual

Article 38

Where charges have been pressed against one and the same person for commission of several crimes, under the jurisdiction of courts different in rank, the case for all the crimes shall be under the jurisdiction of the higher standing court, and where the courts are of equal rank - under the jurisdiction of the court under which falls the case for the gravest crime.

Jurisdiction for setting one total punishment under several sentences

Article 39

(1) Where an aggregate punishment is to be determined for several crimes, for which there are sentences that have entered into force, issued by different courts, competent shall be that court which has issued the last sentence.

(2) Where under one or more of the sentences, the trial defendant has been exempted from serving the punishment pursuant to Article 64, Paragraph 1 or Article 66 Criminal Code, the court which sets the total punishment shall also decide on its service.

(3) (Supplemented, SG No. 27/2009, effective 1.06.2009, amended, SG No. 63/2017, effective 5.11.2017) In the cases specified in Paragraphs (1) and (2) the court shall also assign the initial regime of service of the sentence.

Jurisdiction in the event of complicity

Article 40

Where several persons are accused of having perpetrated in complicity one or several crimes and one of the accomplices is subject to trial by a higher court, the case shall be under the jurisdiction of that higher court.

Jurisdiction in the event of related cases

Article 41

(1) (Supplemented, SG No. 19/2012, effective 6.03.2012) Where two or more cases for different criminal offences or against different individuals have a certain relationship to each other, they shall be joined if the proper elucidation thereof so requires.

(2) Where one of the cases is triable by a higher standing court, the resulting joint case shall be tried by it, and where the cases are triable by courts of equal degree - by the court, which should try the case concerned with the most serious criminal offence.

(3) The court may join two or more cases for different criminal offences against one and the same defendant, where judicial trial has not started in respect of any of them. Where one of the cases is triable by a higher court, the case shall be examined by it.

Decision on jurisdiction and referral of a criminal case to the competent authority

Article 42

(1) The court shall rule on the issue of jurisdiction, based on the statement of facts contained in the indictment.

(2) (Amended, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011; amended, SG No. 32/2022, effective 27.07.2022) Should the court ascertain that the case is triable by another court of equal degree, it shall terminate court proceedings and shall refer the case to that court, and should it ascertain that the case is triable by a court standing higher or by a military court, it shall terminate court proceedings and refer the case to the respective prosecutor.

(3) Where the court finds that the case is not triable by a court, but falls within the jurisdiction of another body, it shall terminate criminal proceedings and refer the case to said body.

Trial of criminal cases by another court of equal degree

Article 43

The Supreme Court of Cassation may decide to refer the case for trial to another court of equal standing, where:

1. Many of the accused parties or witnesses live in the area of said other court;

2. The trial defendant or the victim is a judge, prosecutor or investigator within the area of the court that shall try the case;

3. The court which shall try the case is unable to duly form a panel out of its staff.

Jurisdiction disputes

Article 44

(1) Jurisdiction disputes between courts shall be decided by the Supreme Court of Cassation.

(2) For the duration of a jurisdiction dispute, the authorities before which the case is pending shall only take actions that may not be delayed.

Jurisdiction before the appellate and cassation review instances

Article 45

(1) Criminal cases disposed of by the regional court shall be tried by the district court, acting as an intermediate appellate review instance, and criminal cases disposed of by the district court, acting as first instance - by the appellate court, acting as an intermediate appellate review instance.

(2) Criminal cases shall be reviewed within cassation proceedings by the Supreme Court of Cassation.

Chapter five
PROSECUTOR

Functions of the prosecutor in criminal proceedings

Article 46

(1) The prosecutor shall press charges of and maintain the indictment for publicly actionable criminal offences.

(2) In discharge of his/her assignments under Paragraph 1, the prosecutor shall:

1. Direct the investigation and exercise constant supervision for its lawful and timely conduct in his/her capacity of a supervising prosecutor;

2. may perform investigation or separate investigative or other procedural action;

3. Participate in court proceedings as accuser on behalf of the state;

4. Take measures for the elimination of infringements on the laws pursuant to the procedures herein set forth, and exercise supervision for legality in the enforcement of coercive measures.

(3) (New, SG No. 103/2020) The functions of the prosecutor provided for in this Code shall also be performed by the European Public Prosecutor and the European Delegated Prosecutors in accordance with their competence under Regulation (EU) 2017/1939.

"(4) The prosecutor higher ranking in office and the prosecutor from the higher prosecutor's office may revoke or amend in writing the decrees of their directly subordinated prosecutors. The written orders of the prosecutor higher ranking in office and the prosecutor from the higher prosecutor's office shall be binding on the prosecutor of the lower prosecutor's office.

(5) When revoking a decree refusing to initiate pre-trial proceedings, the prosecutor higher ranking in office and the prosecutor from the higher prosecutor's office shall initiate the pre-trial proceedings themselves, and when revoking a decree terminating the criminal proceedings, he or she shall direct the investigation and exercise constant supervision over its lawful and timely conduct as the supervising prosecutor.

(6) Where he or she finds that the grounds of Art. 219, paragraph 1 cannot be established towards the accused , the prosecutor higher ranking in office and the prosecutor from the higher prosecutor's office shall revoke the decree, and where he or she finds that the law has been wrongfully applied, he or she shall himself/herself take the action referred to in Art. 219.

(7) Where he or she establishes the grounds referred to in Art. 219, paragraph 1 for a person who has not been brought in as an accused, the prosecutor higher ranking in office and the prosecutor from the higher prosecutor's office shall himself/herself carry out the actions under Art. 219.

~~(4) (Supplemented, SG No. 42/2015, amended, SG No. 62/2016, effective 9.08.2016, renumbered from Paragraph 3, SG No. 103/2020) A prosecutor at a higher position and a prosecutor with a higher prosecution office may revoke in writing or amend the decrees of prosecutors directly reporting to him/her that have not been reviewed in a judicial proceeding. His/her written motivated instructions shall be binding on them. In such cases he/she may take the necessary investigative or other procedural action alone.~~

~~(5) (New, SG No. 42/2015, renumbered from Paragraph 4, SG No. 103/2020) The prosecutor given the instructions under Paragraph 3 may file an objection against those instructions to a prosecutor of the higher-standing prosecution office.~~(8) When revoking a decree on the ground that the actions necessary for the discovery of the objective truth have not been carried out, the prosecutor higher ranking in office shall indicate what actions should be carried out and what circumstances should they clarify.

(~~6~~9) (New, SG No. 103/2020) The provisions of Paragraph 4 and 5 shall not apply to the decrees and procedural actions of the European Public Prosecutor and the European Delegated Prosecutors when they perform functions under Regulation (EU) 2017/1939.

(~~7~~10) (Renumbered from Paragraph 4, SG No. 42/2015, renumbered from Paragraph 5, supplemented, SG No. 103/2020) The Prosecutor-General of the Republic of Bulgaria shall exercise supervision for legality of and provide methodological guidance for the operation of all prosecutors, with the exception of the activities of the European Public Prosecutor and the European Delegated Prosecutors, when they perform functions under Regulation (EU) 2017/1939.

~~(8) (New, SG No. 16/2021; declared unconstitutional by Decision No. 7 of the Constitutional Court of the Republic of Bulgaria - SG No. 41/2021)~~

The provisions of Paragraphs 4, 5 and 7 shall not apply when an investigation or separate acts of the investigation and other procedural actions are carried out by the prosecutor of the investigation against the Prosecutor General or his deputy.

Grounds and procedure for disqualification of the prosecutor

Article 47

(1) Interested individuals may request disqualification of a prosecutor in the hypotheses of Article 29, Paragraph 1, items 1, 4 - 8, and Paragraph 2.

(2) In the hypotheses of Paragraph 1, the prosecutor shall be obligated to recuse him/herself.

(3) Disqualifications and recusals must be reasoned.

(4) In the course of pre-trial proceedings a prosecutor with a higher standing prosecution office, and in the course of court proceedings - the court, hearing the case, shall rule on the well-foundedness of disqualifications and recusals.

Joinder of the prosecutor to proceedings for criminal offences prosecuted following complaint of the victim

Article 48

(1) (Amended, SG No. 63/2017, effective 5.11.2017) Where the victim, due to helpless state or dependency upon the perpetrator of the crime, cannot defend his or her rights and lawful interests, the prosecutor may join the proceedings initiated after a complaint by the victim, at any stage of the case, and may take up the accusation. In such cases the criminal proceedings may not be terminated on the grounds of Article 24, Paragraph (5), Items 3 - 5, but the victim may uphold the accusation together with the prosecutor as a private prosecutor.

(2) Where the prosecutor withdraws from proceedings, the victim may proceed with maintaining the accusation, acting as private complainant.

Institution of the criminal proceedings by the prosecutor in the event of criminal offences actionable by private complaint of the victim

Article 49

(1) (Amended, SG No. 32/2010, effective 28.05.2010, SG No. 63/2017, effective 5.11.2017) In exceptional cases of crimes prosecuted on the grounds of complaint by the victim, where the latter cannot defend his or her rights and legal interests due to a state of helplessness or dependency

upon the perpetrator of the crime, the prosecutor may institute criminal proceedings ex officio, provided the time limit under Article 81, Paragraph (3), has not expired and there are no obstacles to institution of criminal proceedings pursuant to Article 24, Paragraph (1), Items 1 - 8a and 10.

(2) (Amended, SG No. 63/2017, effective 5.11.2017) Criminal proceedings that have been instituted shall follow the general procedure and shall not be susceptible of termination on grounds listed in Article 24, Paragraph (5).

(3) A victim may take part in criminal proceedings as a private prosecutor and a civil claimant.

(4) Where the prosecutor withdraws from proceedings, the victim may proceed with maintaining the accusation, acting as private complainant.

Resumption of proceedings for criminal offences prosecuted following complaint of the victim

Article 50

(Amended, SG No. 63/2017, effective 5.11.2017, supplemented, SG No. 44/2018, amended, SG No. 7/2019) Where in the course of pre-trial proceedings it is found that the offence is prosecuted upon complaint of the victim, criminal proceedings shall be suspended, and the prosecutor shall inform the victim of his/her right to file a complaint under Article 81 within a one-month period, provided that the grounds under Article 49 do not exist.

Civil action by the prosecutor

Article 51

Where the victim, on account of being underage or of a physical or mental deficiency, is unable to defend his/her rights and legal interests, the prosecutor may bring a civil action to his/her benefit.

Chapter six
INVESTIGATIVE BODIES

Investigative bodies

Article 52

(Amended, SG No. 69/2008, SG No. 109/2008)

(1) Investigative bodies shall be:

1. Investigators;

2. (Supplemented, SG No. 93/2011, effective 1.01.2012, SG No. 52/2013, effective 14.06.2013, amended, SG No. 14/2015) Ministry of Interior officers appointed at the position of "investigating police officer" and officials of the Customs Agency appointed at the position of "investigating customs inspector";

3. (New, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 93/2011, effective 1.01.2012) Police authorities within the Ministry of Interior and customs authorities within the Customs Agency, in the cases provided for in this Code.

(2) (New, SG No. 33/2009) During investigation, investigative authorities under Paragraph 1, item 1 shall enjoy the rights per Article 46, Paragraph 2, item 2.

(3) (Renumbered from Paragraph 2, SG No. 33/2009) Investigative bodies shall operate under the guidance and supervision of a prosecutor.

Grounds and procedure for disqualification of the investigative bodies

Article 53

(1) The provisions of Articles 47, 1 - 3 shall also apply to the investigative bodies, mutatis mutandis.

(2) The prosecutor shall make a pronouncement on the validity of disqualification and

recusal.

(3) Pending a decision on disqualification, the challenged body shall only perform those actions which could suffer no delay.

Chapter seven
THE ACCUSED PARTY

Section I
General provisions

Individual who has the capacity of accused party

Article 54

An accused party shall be the individual, who has been constituted as party to the proceedings in this particular capacity, pursuant to the terms hereof and to the procedure herein specified.

Rights of the accused party

Article 55

(1) (Supplemented, SG No. 110/2020, effective 30.06.2021) The accused party shall have the following rights: to be informed of the criminal offence in relation to which he/she has been constituted as party to the proceedings in this particular capacity and on the basis of what evidence; provide or refuse to provide explanations in relation to the charges against him/her; study the case, including the information obtained through the use of special intelligence means and take any abstracts that are necessary to him/her; adduce evidence; take part in criminal proceedings; make requests, comments and raise objections; be the last to make statements; file appeal from acts infringing on his/her rights and legal interests, and have a defence counsel. The accused party shall have the right his/her defence counsel to take part when investigative actions are taken, as well as in other procedural action requiring the participation thereof, unless he has expressively made waiver of this particular right. Requests, remarks, objections, as well as appeals against acts that violate his/her rights and legitimate interests may be made electronically, signed with a qualified electronic signature.

(2) (New, SG No. 7/2019) The accused party shall be entitled to receive general information facilitating his/her choice of defence counsel. He/she shall be entitled to communicate with his/her defence counsel, to meet in private, to receive advice and other legal assistance, including prior to the start of and during the questioning and any other procedural action requiring participation of the accused party.

(3) (Renumbered from Paragraph (2), SG No. 7/2019) The accused party shall also have the right of speaking last.

(4) (New, SG No. 32/2010, effective 28.04.2011, amended, SG No. 21/2014, renumbered from Paragraph (3), SG No. 7/2019) Where the accused party does not speak Bulgarian, he shall be provided oral and written translation of the criminal proceedings in a language he understands. The accused party shall be provided a written translation of the decree for constitution of the accused party; the court's rulings imposing a remand measure; the indictment; the conviction ruled; the judgment of the intermediate appellate review instance; and the judgment of the cassation instance. The accused party has the right to waive written translation under this Code, where he has a defence counsel and his procedural rights are not violated.

Section II
Measure of remand and other measures of procedural

coercion

Measure of remand
Article 56

(1) A measure of remand may be applied to the accused party in a publicly actionable case where a reasonable assumption can be made on the basis of evidence case material that he/she has committed the criminal offence and where one of the grounds under Article 57 is present.

(2) (Amended, SG No. 32/2010, effective 28.05.2010) Where charges are pressed in pursuance of Article 269, Paragraph 3, items 2-4, a remand measure shall be imposed once the accused party is found.

(3) In setting the type of remand measure, the degree of social risk inherent to the criminal offence, the evidence against the accused party, the health condition, family status, occupation, age and other personal data about the accused party shall be taken into consideration.

Purpose of remand measures
Article 57

Remand measures shall be applied for the purpose of preventing the accused party from absconding, from committing crime or from frustrating the execution of a sentence that has entered into force.

Types of remand measures
Article 58

Remand measures:
1. Signed promise for appearance;
2. Bail;
3. House arrest;
4. Remand in custody.

Act setting the type of remand measure
Article 59

(1) The act setting the type of remand measure shall indicate: the time and place of issuance thereof; the issuing body; the case in which it is issued; the full name of the accused party; the criminal offence for which he/she has been constituted as party to the proceedings in this particular capacity and the reasons for choice of the set measure.

(2) The act shall be served on the accused party, who shall undertake not to change his/her place of residence without notifying in writing the respective body of his/her new address.

Signed promise for appearance
Article 60

(1) (Previous text of Article 60, SG No. 42/2015) The signed promise shall constitute an obligation undertaken by the accused party not to leave his/her place of residence without authorisation by the respective authority.

(2) (New, SG No. 42/2015) The authority which has effected the measure under paragraph 1 shall notify the units of the Ministry of Interior.

(3) (New, SG No. 42/2015) The units of the Ministry of Interior shall exercise control as to whether the obligation under paragraph 1 is complied with. Any breaches of that obligation shall be reported to the prosecutor and the court.

Bail
Article 61

(1) The amount of bail may be settled in cash or securities.

(2) The property status of the accused party shall also be taken into consideration when setting the amount of bail.

(3) (Amended, SG No. 63/2017, effective 5.11.2017) Bail ordered by the pre-trial authorities may be appealed by the accused party or his/her defence counsel before the competent first-instance court within three days of the presentation of the instrument setting such bail. The court shall immediately hear the case in camera and issue a ruling, which shall be final.

(4) The bail may be deposited by the accused party or by another person. Where a remand measure of bail has been initially applied or a signed promise for appearance imposed as a remand measure has been subsequently transformed into bail, the respective body shall set a term for its deposition, which may not be lesser than three days and longer than fifteen days.

(5) When bail is not deposited within the time limit afforded, the court may impose on the defendant a heavier remand measure, while in pre-trial proceedings the prosecutor may file a request under Article 62, Paragraph 2 or Article 64, Paragraph 1.

(6) In the event a remand measure is transformed from a heavier one into bail, the accused party shall be released following its deposition.

(7) Withdrawal of the bail shall not be allowed.

(8) Bail shall be released where the accused party is exempted from criminal liability or from serving the imposed punishment, acquitted, sentenced to a non-custodial punishment or detained for the purpose of serving his/her punishment.

House arrest

Article 62

(1) House arrest shall constitute a prohibition on the accused party to leave from his/her dwelling without authorisation of the respective body.

(2) House arrest, as a remand measure in pre-trial proceedings, shall be taken and controlled by the court pursuant to Articles 64 and 65.

(3) (New, SG No. 42/2015) The court shall determine the address for the house arrest. Any subsequent changes to the address at which the measure is executed shall be allowed by the prosecutor in pre-trial proceedings or by the court before which the case is pending.

(4) (New, SG No. 42/2015) The court or the prosecutor, respectively, shall notify the units that control the execution of such measures about the taking of a measure and about the address for its execution.

(5) (New, SG No. 42/2015) The units of the Ministry of Interior shall exercise control as to whether the prohibition under paragraph 1 is complied with. Any breaches of the prohibition shall be reported to the responsible court and prosecutor.

(6) (New, SG No. 42/2015) The compliance with the prohibition under paragraph 1 may also be controlled by means of electronic surveillance devices as per procedures laid down by law.

(7) (New, SG No. 42/2015) Article 63(4) shall apply in respect of the time limits of the measure in pre-trial proceedings.

Remand in custody

Article 63

(1) The measure of remand in custody shall be applied where a reasonable assumption can be made that the accused party has committed a criminal offence punishable by deprivation of liberty or another, severer punishment, and evidence case materials indicate that he/she poses a real risk of absconding or committing another criminal offence.

(2) If the contrary is not established by evidence case materials, in the event of initial application of the measure of remand in custody, a real risk within the meaning of Paragraph 1 shall be present, where:

1. The accused party has been constituted in this capacity because of a criminal offence committed under the conditions of dangerous recidivism or repeated offending;

2. The accused party has been constituted in this capacity because of a serious intentional criminal offence and he/she has been sentenced for another serious intentional publicly actionable criminal offence to deprivation of liberty of no less than one year or to another severer punishment whose execution has not been deferred on grounds of Article 66 Criminal Code;

3. The accused party has been constituted in this capacity because of a crime punishable by not less than ten years of deprivation of liberty or another heavier punishment;

4. (New, SG No. 63/2017, effective 5.11.2017, amended, SG No. 44/2018) The accused party has been constituted in this capacity under the conditions of Article 269(3) herein.

(3) Where there is no more danger for the accused party to abscond or to commit crime, the measure of remand in custody shall be replaced with a less severe measure or shall be repealed.

(4) (Amended, SG No. 71/2013) The measure of remand in custody may not last more than eight months in the course of pre-trial proceedings, where the accused party has been constituted in this capacity because of a serious intentional criminal offence, and more than eighteen months, where the accused party has been constituted in this capacity because of a criminal offence punishable by no less than fifteen years of deprivation of liberty or a heavier punishment. In all other cases remand in custody in the course of pre-trial proceedings may not last more than two months.

(5) After expiry of the time limits under paragraph (4), the detained shall be released forthwith by order of the prosecutor.

(6) Where in the course of pre-trial proceedings the presence of grounds under Paragraph 3 is found, upon his/her own motion the prosecutor shall transform the measure of remand in custody into a less restrictive one or shall revoke it.

(7) (Supplemented, SG No. 7/2019) The following shall be informed immediately both in case of remand in custody and detention pursuant to Article 64 (2):

1. (Supplemented, SG No. 7/2019) The family of the accused party or another person specified by the accused party;

2. The employer of the accused party, unless he/she states he does not wish so;

3. (Repealed, SG No. 7/2019).

(8) (New, SG No. 7/2019) Where the person arrested is a foreign national, the consular authorities of the state of which he/she is a citizen shall be immediately notified, at his/her request, through the Ministry of Foreign Affairs. If the person arrested is a national of two or more states, he/she may choose the consular authorities of which state to be informed of his/her detention and with which consular authorities he/she wishes to make a connection.

(9) (New, SG No. 7/2019) The notification under paragraph 7 concerning a specific person may be postponed for a period of up to 48 hours, in case of an urgent need to prevent the occurrence of grave unfavourable consequences for the life, freedom or physical integrity of a person or when investigative bodies must undertake action, hindrance of which would seriously impede the criminal proceedings. Postponement of this notification shall be applied in view of the special circumstances of every specific case, without exceeding what is necessary and not based only on the type and gravity of the committed crime.

(10) (New, SG No. 7/2019) The decision under paragraph 9 shall be taken by the pre-trial proceedings prosecutor, who shall deliver a reasoned decree. The decree shall be subject to appeal by the accused person or his/her defence counsel before the respective first-instance court.

(11) (New, SG No. 7/2019) The court, sitting in camera in a panel of one, shall forthwith examine the appeal and shall pronounce by a ruling. The court ruling shall be final.

(12) (Renumbered from Paragraph (8), SG No. 7/2019) If the children of the detained individual have no relatives to take care of them, they shall be placed, through the respective municipality or mayoralty, in a child nursery, kindergarten or boarding school.

Taking the measure of remand in custody in pre-trial proceedings

Article 64

(1) At the request of the prosecutor, the competent court of first instance shall apply the

measure of remand in custody in the context of pre-trial proceedings.

(2) (Supplemented, SG No. 110/2020, effective 30.06.2021; declared unconstitutional by Decision No. 13 of the Constitutional Court of the Republic of Bulgaria in regards to sentence two - SG No. 85/2021)

The prosecutor shall immediately ensure for the accused party to appear before court and, if needed, he/she may rule the detention of the accused party for up to 72 hours until the latter is brought before court. In case of a declared state of emergency, war footing, disaster, epidemic, other force majeure circumstances or with the written consent of the accused party and his defence counsel, the accused party may participate in the proceedings through a videoconference, in which case his identity shall be verified by the prison director or the head of the detention center or an official designated by them.

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(3) The Court, sitting in a panel of one, in a public hearing, at which the prosecutor, the accused party and his/her defence counsel are present, shall immediately proceed to hear the case.

(4) The court shall apply a measure of remand in custody where the grounds of Article 63, Paragraph 1 are present, and where said grounds are not present, it may refrain from applying a measure of remand or apply a less restrictive one.

(5) The court shall issue a ruling which shall be notified to the parties at the court hearing and shall be implemented immediately. Upon notifying its ruling, the court shall schedule the case for hearing before the intermediate appeallate review court within up to seven days, in case an accessory appeal or protest is filed.

(6) The ruling shall be subject to appeal and protest before the respective intermediate appellate review instance court within three days by accessory appeal or protest.

(7) (Supplemented, SG No. 110/2020, effective 30.06.2021) The Court, sitting in a panel of one, in a public hearing, at which the prosecutor, the accused party and his/her defence counsel are present, shall immediately proceed to hear the case. Failure of the accused party to appear shall not be an obstacle to the examination of the case. In case of a declared state of emergency, war footing, disaster, epidemic, other force majeure circumstances or with the written consent of the accused party and his defence counsel, the accused party may participate in the proceedings through a videoconference, in which case his identity shall be verified by the prison director or the head of the detention center or an official designated by them.

(8) The intermediate appellate review instance court shall make pronouncement by a ruling that is to be announced to the parties at the court hearing. The ruling shall not be subject to appeal by accessory appeal or protest.

(9) Where by virtue of a ruling in force bail has been applied as a measure of remand, the accused party who is held in custody shall be released following its deposition.

Judicial control over remand in custody in the course of pre-trial proceedings

Article 65

(1) The accused party or his/her defence counsel may request transformation of the measure of remand in custody at any time in the course of pre-trial proceedings.

(2) The request of the accused party or his/her defence counsel shall be made through the prosecutor who shall be obligated to forthwith refer the case to the court.

(3) (Supplemented, SG No. 98/2020) The hearing of the case shall be scheduled within three days after the file has been received in court on the occasion of a public court hearing attended by the prosecutor, the accused party and his/her defence counsel. The case shall be heard in the absence of the appellant should the said appellant state that he or she does not wish to appear, or should the appearance of the appellant be precluded on health grounds. Where this does not impede the exercise of the right to defense, the detained accused party may, with his consent,

participate in the case by videoconference, in which case his identity shall be verified by the prison director, the head of the detention center or an official designated by them.

(4) The court shall assess all circumstances pertaining to the lawfulness of detention and shall make pronouncement by a ruling which is to be announced to the parties at the court hearing. Upon announcing the ruling, the court shall schedule the case before the intermediate appellate review court within seven days in case an accessory appeal or protest has been filed.

(5) The ruling shall be executed forthwith after the expiry of the time limits for appeal, unless accessory protest has been filed which is not in the interest of the accused party.

(6) Where the request has been made by the accused party or his/her defence counsel and the ruling under paragraph (4) confirms the measure of remand, the court may set a time limit within which a new request from the same persons shall not be admissible. This time limit may not exceed two months after the ruling comes into force, and shall not apply where the request is based on a deterioration of the health condition of the accused party.

(7) The ruling shall be subject to appeal and protest before the respective intermediate appellate review instance court within three days.

(8) The intermediate appellate review instance court shall consider the case in a panel of three, in an open hearing, in attendance of the prosecutor, the accused party and his/her defence counsel. The case shall be examined in the absence of the accused party, where the latter declares that he or she does not wish to appear or where it is impossible to bring him/her before the court for health reasons.

(9) The intermediate appellate review instance court shall make pronouncement by a ruling that is to be announced to the parties at the court hearing. The ruling shall not be subject to appeal by accessory appeal or protest.

(10) Where by virtue of a ruling in force bail has been applied as a measure of remand, the accused party who is held in custody shall be released following its deposition.

(11) Paragraphs 1 - 10 shall also apply, mutatis mutandis, to cases where the accused party is detained due to his/her failure of depositing the amount of bail set by the court.

Consequences of the failure to discharge obligations arising in relation to measures of remand

Article 66

(1) Where the accused party fails to appear before the respective body without valid reasons or changes his/her then current place of residence without notifying said body thereof, or breaches the remand measure imposed, a measure of remand shall be applied or, if so has already been done, it shall be substituted for a more restrictive one pursuant to the procedure herein set forth.

(2) Where the measure of remand is bail, money or securities deposited shall be forfeited to the benefit of the state. In these hypotheses bail at a larger amount may be set.

Victim Protection Measures

(Title amended, SG No. 41/2015, effective 6.07.2015)

Article 67

(1) (Amended, SG No. 41/2015, effective 6.07.2015) At the proposal of the prosecutor with consent of the victim or at the request of the victim, the competent first-instance court may prohibit the accused party from:

1. directly approaching the victim;

2. contacting the victim, in any form, including by phone, electronic or ordinary mail, and fax;

3. entering certain localities, areas, or places where the protected person resides or visits.

(2) (New, SG No. 41/2015, effective 6.07.2015) The court shall inform the protected person about the possibility of having a European protection order issued.

(3) (Renumbered from Paragraph (2), SG No. 41/2015, effective 6.07.2015, supplemented, SG No. 63/2017, effective 5.11.2017) The court shall immediately hear the proposal or request in

a panel of one at an open hearing, at which the prosecutor, the accused party and the victim shall be heard. The ruling of the court shall be final. The court ruling shall be final.

(4) (Renumbered from Paragraph (3), SG No. 41/2015, effective 6.07.2015) The prohibition shall extinguish after termination of the case by virtue of a sentence in force or where proceedings are terminated on any other ground.

(5) (Renumbered from Paragraph (4), SG No. 41/2015, effective 6.07.2015, amended, SG No. 63/2017, effective 5.11.2017) At any time the victim may request from the court to repeal the prohibition. The court shall make pronouncement, applying the procedure under Paragraph 3.

(6) (New, SG No. 63/2017, effective 5.11.2017) In court proceedings the powers pursuant to Paragraphs (3) and (5) shall be exercised by the court examining the case.

Informing the victim with special protection needs concerning the remand measures

Article 67a

(New, SG No. 16/2019) The prosecutor in pre-trial proceedings and the court in the trial phase shall immediately inform the victim who has special protection needs in cases where:

1. the accused party violates the imposed remand measure house arrest or detainment in custody;

2. the imposed remand measure house arrest or detainment in custody is revoked or replaced with periodic signing or bail.

Prohibition from leaving the boundaries of the Republic of Bulgaria

Article 68

(1) (Amended, SG No. 109/2008, supplemented, SG No. 60/2012, effective 8.09.2012, amended, SG No. 42/2015) In pre-trial proceedings, where the accused party has been constituted in this capacity because of a serious intentional criminal offence or another crime resulting in a person's death, the prosecutor may prohibit the accused party from leaving the boundaries of the Republic of Bulgaria, unless the prosecutor has given authorisation to this effect. The competent units of the Ministry of Interior shall be immediately notified about the imposed prohibition.

(2) (New, SG No. 42/2015, effective after the coming into force of the law under Article 68(2) When a prohibition under paragraph 1 was confirmed or imposed in court proceedings after a sentence was handed down, the defendant's identity documents under Article 13, paragraph 1, sub-paragraphs 1 and 2 of the Bulgarian Personal Documents Act may be confiscated, with alternative documents issued as per procedures laid down by law.

(3) (Renumbered from Paragraph 2, SG No. 42/2015) The prosecutor shall rule within three days on the request for authorisation under Paragraph 1 of the accused party or his/her defence counsel.

(4) (Renumbered from Paragraph 3, SG No. 42/2015) The refusal of the prosecutor shall be subject to appeal before the competent court of first instance.

(5) (Renumbered from Paragraph 4, SG No. 42/2015) The court shall consider forthwith the appeal in a single-judge panel, deliberating privately, and shall make pronouncement by a ruling, thus confirming the refusal of the prosecutor or allowing the accused party to leave the boundaries of the Republic of Bulgaria for a set period. The ruling shall be final.

(6) (Renumbered from Paragraph 5, amended, SG No. 42/2015) At the request of the accused party or his/her defence counsel, the court may repeal the prohibition under Paragraph 1 in pursuance of the procedure under Paragraph 5, where there is no risk for the accused party to abscond outside this country.

(7) (Renumbered from Paragraph 6, amended, SG No. 42/2015) In court proceedings the powers pursuant to paragraphs (1) and (6) shall be exercised by the court examining the case. The ruling of the court shall be subject to appeal by accessory appeal or protest.

Consequences of breaching victim protection measures and the prohibition to leave the

boundaries of the Republic of Bulgaria

Article 68a

(New, SG No. 41/2015, effective 6.07.2015) When the accused party breaches the measure under Article 67 or the prohibition under Article 68, a remand measure shall be taken or the remand measure shall be modified into a more severe one pursuant to this Code.

Removal of the accused party from office

Article 69

(1) Where the accused party has been constituted in this particular capacity on account of a publicly actionable criminal offence of intent committed in relation to his/her work and there are sufficient reasons to believe that the official position of the accused party shall set obstacles to the objective, comprehensive and thorough elucidation of the circumstances in the case, the court may remove the accused party from office.

(2) In pre-trial proceedings, the respective first instance court shall make pronouncement in a single-judge panel at an open hearing in attendance of the prosecutor, the accused party and his/her defence counsel.

(3) The ruling shall be subject to appeal by accessory appeal and protest before the respective intermediate appellate review instance court within three days.

(4) The intermediate appellate review instance court shall make pronouncement in a three-judge panel at an open hearing in attendance of the prosecutor, the accused party and his/her defence counsel. Failure of the accused party to appear without valid reasons shall not be an obstacle to the examination of the case.

(5) Where further need for the measure that was taken ceases to exist, in pre-trial proceedings removal from office shall be revoked by the prosecutor, or by the court - at the request of the accused party or his/her defence counsel pursuant to the procedure under Paragraphs 1 and 2.

(6) In court proceedings the powers pursuant to paragraph (1) shall be exercised by the court examining the case.

Temporary withdrawal of driving licence

Article 69a

(New, SG No. 95/2016)

(1) Where the accused party has been constituted for a crime under chapter eleven, section II of the special part of the Criminal Code, resulting in death or bodily injury, as well as for a crime under Article 325, Paragraph 3 of the Criminal Code, the prosecutor may order a temporary withdrawal of the motor vehicle driving licence or another document recognizing a right under Article 37, Paragraph 1, Item 7 of the Criminal Code.

(2) The decree shall be sent for execution to the bodies recognizing said right and controlling exercise thereof.

(3) The accused party and his defence counsel may appeal the prosecutor’s decree under Paragraph 1 before the relevant first instance court.

(4) The court shall consider forthwith the appeal in a single-judge panel at an open sitting and shall make pronouncement by a ruling, thus confirming or repealing the prosecutor’s decree under Paragraph 1. The ruling shall be final.

(5) Where the need for temporary withdrawal of a motor vehicle driving licence or another document recognizing a right under Article 37, Paragraph 1, Item 7 of the Criminal Code no longer exists, it shall be repealed in pre-trial proceedings by the prosecutor or, at the request of the accused party or his defence counsel, by the court under the procedure of Paragraph 4.

(6) The revocation of the temporary withdrawal of a motor vehicle driving licence or another document recognizing a right under Article 37, Paragraph 1, Item 7 of the Criminal Code shall be communicated to the bodies recognizing said right and controlling exercise thereof.

(7) In the court proceedings, the powers under Paragraphs 1, 5 and 6 shall be exercised by the court considering the case. The ruling shall be subject to appeal by accessory appeal or protest.

Placement for examination purposes in a mental health institution

Article 70

(1) In pre-trial proceedings, the competent court of first instance, sitting in a panel of one judge and two court assessors, upon request of the prosecutor, and, in court proceedings, the court trying the case, upon request of the parties or of its own motion, may place the accused party for examination purposes in a mental health institution for a period that shall not exceed thirty days.

(2) The court shall immediately make pronouncement by a ruling at an open hearing, where it shall hear an expert psychiatrist witness and the person whose placement is requested. The participation of a prosecutor and a defence counsel shall be mandatory.

(3) The ruling issued in pre-trial proceedings shall be subject to appeal by accessory appeal and protest before the respective intermediate appellate review instance court within a time limit of three days.

(4) The intermediate appellate review instance court shall make pronouncement in a three-judge panel at an open hearing in attendance of the prosecutor, the accused party and his defence counsel. Failure of the accused party without valid reasons shall not be an obstacle to examining the case.

(5) If the time limit for examination set by the court is found to be insufficient, it can be extended once by not more than thirty days as provided for in paragraph 1 - 4.

(6) The period of time where the person was lodged in a mental health institution shall be recognized as a period of remand in custody.

Bringing individuals by compulsion before court

Article 71

(1) Where the accused party fails to appear for interrogation without valid reasons, he/she shall be brought in by compulsion where his/her appearance is mandatory, or where the competent body finds this to be necessary.

(2) The accused party may be brought in by compulsion without prior summonsing where he/she has absconded or has no permanent residence.

(3) Compulsory bringing in of the accused party shall be effected in daytime, unless no delay could be suffered.

(4) (Amended, SG No. 69/2008, SG No. 93/2011, effective 1.01.2012, supplemented, SG No. 52/2013, effective 14.06.2013, amended, SG No. 14/2015) Services of the Ministry of Justice shall effect the act of bringing by compulsion; where the latter has been ruled by an investigating police officer or an investigating customs inspector, it shall be effected by the services of the Ministry of Interior.

(5) (New, SG No. 21/2014, effective 9.04.2014, repealed, SG No. 80/2021).

(6) (Renumbered from Paragraph 5, SG No. 21/2014, effective 9.04.2014, amended, SG No. 32/2016) For compulsory bringing in of prisoners, request shall be made to the administration of the respective prison.

(7) (Renumbered from Paragraph 6, SG No. 21/2014, effective 9.04.2014) Military service officers shall be brought in by the respective military bodies.

(8) (Renumbered from Paragraph 7, SG No. 21/2014, effective 9.04.2014) The decision for compulsory bringing in shall be served on the person who must be brought in.

Measures for securing fine, confiscation, and forfeiture of objects to the benefit of the state

Article 72

(1) Upon request of the prosecutor, the competent court of first instance, sitting in a panel of one, in camera, shall apply measures to secure the fine, confiscation, and forfeiture of objects to the benefit of the state, in pursuance of the procedure set forth in the Code of Civil Procedure.

(2) In the course of court proceedings the court shall take the measures under Paragraph 1 upon request of the prosecutor.

Management of Assets under Injunction

Article 72a

(New, SG No. 7/2019, effective 23.07.2019) Property secured pursuant to Article 72 for the purposes of confiscation or forfeiture of objects to the benefit of the state, shall be managed and kept in accordance with the procedure laid down in the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act.

Measures for securing the civil claim

Article 73

(1) The court and the bodies entrusted with pre-trial proceedings shall be obligated to explain to the victim that he/she has the right to bring, in the course of court proceedings, a civil claim for the damages caused by the offence.

(2) Upon request of the victim or his/her heirs or of the prejudiced legal person filed in the course of pre-trial proceedings, the competent court of first instance, sitting in a panel of one, in camera, shall apply measures to secure a forthcoming claim pursuant to the procedure set forth in the Code of Civil Procedure.

(3) In the hypotheses under Article 51, the measures under Paragraph 2 shall be applied upon request of the prosecutor.

(4) In court proceedings the requests under paragraphs 2 and 3 shall be examined by the court hearing the case.

Measures for Securing Costs of Proceedings

Article 73a

(New, SG No. 42/2015)

(1) At the request of the prosecutor, the victim or his/her heirs, or the legal person that has suffered damage in pre-trial proceedings, the responsible court of first instance - in a closed single-judge session - shall take measures pursuant to the Civil Procedure Code to secure the costs incurred and ordered to be paid for the proceedings.

(2) (Amended, SG No. 63/2017, effective 5.11.2017) The court may also impose the injunctive measure on the funds and securities provided as a guarantee. The injunctive measure imposed shall not be an obstacle to the forfeiture to the benefit of the state on the grounds of Article 66, Paragraph (2).

(3) In court proceedings, the court shall take the measures under paragraphs 1 and 2 at the request of the prosecutor, the civil claimant or his/her heirs, or the private prosecutor.

Chapter eight
THE VICTIM

Section I
General provisions

Individual who has the capacity of victim and legal person sustaining damages

Article 74

(1) The person who has suffered material or immaterial damages from the criminal offence shall be a victim.

(2) After the death of such persons, this right shall pass on to their heirs.

(3) The accused party shall not exercise the rights of a victim within one and the same proceedings.

Rights of the victim

Article 75

(Amended, SG No. 109/2008)

(1) (Supplemented, SG No. 32/2010, effective 28.05.2010, SG No. 63/2017, effective 5.11.2017, SG No. 110/2020, effective 30.06.2021) In pre-trial proceedings, the victim shall have the following rights: be informed of his/her rights within the criminal proceedings; obtain protection with regard to his/her personal safety and the safety of its relatives; be informed of the progress of the criminal proceedings; take part in the proceedings in accordance with the provisions of this Code; furnish requests, note and objections; file appeals with regard to the acts resulting to refusal to initiate in the termination or suspension of criminal proceedings; have a counsel; receive a translation of the decree for refusal to initiate terminating or suspending the criminal proceedings if he/she does not have command of the Bulgarian language to request the acceleration of pre-trial proceedings in the cases provided for in this Code. Requests, remarks, objections, as well as appeals against acts that lead to termination or suspension of the criminal proceedings may be made electronically, signed with a qualified electronic signature.

(2) (New, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 110/2020, effective 30.06.2021) The authority which initiates the pre-trial proceedings shall immediately notify the victim thereof, if the latter has specified an address for service in Bulgaria or e-mail.

(3) (Renumbered from Paragraph 2 and supplemented, SG No. 32/2010, effective 28.05.2010, amended, SG No. 110/2020, effective 30.06.2021) The victim shall exercise his/her rights ~~The victim's rights arise~~ if he/she has expressly requested to be involved in the pre-trial proceedings and has specified the country for service and for informing for the progress of the proceedings. With the express consent of the victim, which can be withdrawn at any time, the service and informing may also be made to the e-mail address specified by him.

Art. 75a (1) The legal person sustaining damages is the legal person that has suffered material damage from the criminal offence.

(2) The legal person sustaining damages has the right to: to be informed of its rights in criminal proceedings; to be informed of the progress of the criminal proceedings; to participate in the proceedings as provided for in this Code; to make requests, comments and objections; to appeal against acts leading to the refusal to initiate, to the termination or suspension of criminal proceedings; to request the acceleration of pre-trial proceedings in the cases provided for in this Code. Requests, comments, objections, as well as appeals against the acts leading to the refusal to initiate, to the termination or suspension of criminal proceedings may be made electronically, signed with a qualified electronic signature.

(3) The legal person sustaining damages shall exercise its rights if it explicitly requests to participate in the pre-trial proceedings and provides an address in the country for summoning and notification of the proceedings. With the explicit consent of the legal person sustaining damages, the summons and notification may also be sent to an electronic address indicated by the latter.

Section II
Private prosecutor

Individuals who may rake part in the proceedings in the capacity of private prosecutors

Article 76

The victim, who has sustained material or immaterial damages from a publicly actionable criminal offence shall have the right to take part in court proceedings as private prosecutor. Following the death of this person, said right shall pass on to his/her heirs.

Request for participation as private prosecutor

Article 77

(1) A request for participation in court proceedings as private prosecutor can be submitted orally or in writing.

(2) The request must contain information about the individual who files it and about the circumstances on which it is based.

(3) (Amended, SG No. 63/2017, effective 5.11.2017) A request must be filed until the beginning of an operating hearing before the court of first instance at the latest.

Functions of the private prosecutor

Article 78

(1) The private prosecutor shall maintain the accusation in court along with the prosecutor.

(2) The private prosecutor may continue maintaining the accusation also after the prosecutor has made a statement that he/she will not maintain it any further.

Rights of the private prosecutor

Article 79

(Supplemented, SG No. 110/2020, effective 30.06.2021) The private prosecutor shall have the following rights: to examine the case-file and obtain the excerpts he/she needs; to produce evidence; to take part in court proceedings; to make requests, comments and to raise objections, as well as to file appeal from acts of the court where his or her rights and legal interests have been infringed upon. Requests, remarks, objections, as well as appeals against acts that violate his/her rights and legitimate interests may be made electronically, signed with a qualified electronic signature.

Section III
Private Complainant

Individuals who may rake part in the proceedings in the capacity of private complainant

Article 80

An individual who has suffered from a criminal offence prosecuted following a complaint of the victim may bring charges and maintain the accusation before court as a private complainant. After the death of the individual, said rights shall pass on to his/her heirs.

Complaint

Article 81

(1) The complaint must be in writing and contain information about the author, the individual against whom it is filed, and about the circumstances surrounding the criminal offence. A document evidencing the payment of a state fee shall be enclosed with it.

(2) The complaint must be signed by the author.

(3) (Supplemented, SG No. 63/2017, effective 5.11.2017, amended, SG No. 7/2019) The complaint must be filed within six months from the date when the victim became aware that a criminal offence has been committed or from the day on which the victim received notice for suspension of criminal proceedings pursuant to Article 25 (1), item 6.

Rights of the private complainant

Article 82

(1) (Supplemented, SG No. 110/2020, effective 30.06.2021) The private complainant shall have the following rights: to examine the case-file and obtain the excerpts he/she needs; to produce evidence; to take part in court proceedings; to make requests, comments and to raise objections, as well as to file appeal from acts of the court which infringe upon his or her rights and legal interests, and to withdraw his/her complaint. Requests, remarks, objections, appeals against acts

that violate his/her rights and legitimate interests, as well as withdrawal of complaint may be made electronically, signed with a qualified electronic signature.

(2) The private complainant may also be constituted in the course of court proceedings as a civil claimant in the hypotheses and pursuant to the procedure herein specified.

Assistance from the bodies of the Ministry of Interior

Article 83

The victim and the accused party shall have the right to request cooperation by the bodies of the Ministry of Interior for the collection of information which they themselves cannot collect.

Section IV
Civil claimant

Individuals who may take part in the proceedings as civil claimants

Article 84

(1) The victim or his or her heirs and the legal persons, which have sustained damages from the criminal offence, may file in the course of court proceedings a civil claim for compensation of the damages and be constituted as civil claimants.

(2) A civil claim may not be lodged in the course of court proceedings where it has already been lodged pursuant to the Code of Civil Procedure.

Application for a civil claim

Article 85

(1) The application for a civil claim shall indicate: the full name of the author and of the individual against whom the claim is filed; the criminal case in which it is filed; the criminal offence which has caused the damages, as well as the nature and amount of damages for which compensation is claimed.

(2) The application can be made orally or in writing.

(3) (Amended, SG No. 63/2017, effective 5.11.2017, SG No. 7/2019) The civil claim shall be lodged latest before the start of the operative hearing and for private claim cases until the opening of the judicial investigation before the first-instance court.

Individuals against whom a civil claim may be filed

Article 86

Civil claims in court proceedings may be filed both against the defendant in court and against other persons who incur civil liability for the damages caused by the crime.

Rights of the civil claimant

Article 87

(1) (Supplemented, SG No. 110/2020, effective 30.06.2021) The civil claimant shall have the following rights: take part in court proceedings; demand security for the civil claim; examine the case-file and obtain excerpts that he/she needs; produce evidence; make requests, comments and raise objections, as well as to file appeal from acts of the court which infringe upon his or her rights and legal interests. Requests, remarks, objections, as well as appeals against acts that violate his/her rights and legitimate interests may be made electronically, signed with a qualified electronic signature.

(2) The civil claimant shall be allowed to exercise the rights under paragraph 1 inasmuch as he/she needs to substantiate his/her civil claim, in terms of grounding and amount.

Procedure for examination of a civil claim

Article 88

(1) In the course of court proceedings, the civil claim shall be examined pursuant to the rules of this Code, and Code of Civil Procedure shall apply insofar as no relevant rules are herein contained.

(2) The examination of a civil claim shall not make grounds for the continuation of a criminal case.

(3) Where court proceedings are terminated, the civil claim shall not be examined; however it may be filed before a civil court.

Chapter nine
CIVIL RESPONDENT

Individuals who take part in the proceedings as civil respondents

Article 89

Persons against whom a civil claim has been filed shall, with the exception of the defendant in court, take part in the court proceedings as civil respondents.

Rights of the civil respondent

Article 90

(1) (Supplemented, SG No. 110/2020, effective 30.06.2021) The civil respondent shall have the following rights: take part in the court proceedings; examine the case-file and obtain the excerpts he/she needs; produce evidence; make requests, comments and raise objections, as well as file appeal from acts of the court which infringe upon his or her rights and legal interests. Requests, remarks, objections, as well as appeals against acts that violate his/her rights and legitimate interests may be made electronically, signed with a qualified electronic signature.

(2) The civil respondent shall be allowed to exercise the rights under paragraph 1, inasmuch as he/she needs to substantiate his/her civil claim, in terms of grounding and amount.

Chapter ten
LEGAL ASSISTANCE

Section I
Defence counsel

Individuals who may take part in the proceedings as defence counsels

Article 91

(1) The defence counsel for the accused party may be an individual who practices the legal profession.

(2) The defence counsel may also be the spouse, an ascendant or descendant of the accused party.

(3) The following may not be defence counsels:

1. Any individual who has also been or is defence counsel to another accused party, where the defence of the one is contradictory to the defence of the other;

2. Any individual who has represented or has given advice to another accused party, where the defence which is to be assigned to him/her stands in contradiction to the defence of the other accused party;

3. Any individual who has represented or has given advice to the adverse party;

4. Any individual who has participated in the proceedings in another procedural capacity;

5. Any individual who is the spouse, relative of direct descent, without limitation in degree, or of collateral descent up to the fourth degree or by marriage - up to the third degree, of a judge,

court assessor, prosecutor or an investigative body involved in the case.

Disqualification of the defence counsel

Article 92

Individuals who may not be defence counsels, shall be obligated to recuse themselves. Should they fail to do so, the appropriate body shall remove them from participation in the criminal proceedings ex officio or at the request of the party concerned.

Authorisation given to defence counsel

Article 93

(1) The defence counsel shall be chosen and authorised by the accused party, except in the hypotheses herein provided for.

(2) The power of attorney shall be made out in writing and shall be signed by the accused party and the defence counsel.

(3) The defence counsel may certify copies of the power of attorney granted to him/her and may sub-authorise, with consent of the accused party, another individual to act as defence counsel.

(4) Before court, authorisation may be given orally, at the court hearing. On this occasion authorisation shall be entered in the record from the hearing, which shall also be signed by the accused party.

(5) The power of attorney shall be valid in the entire course of criminal proceedings, unless otherwise agreed.

Mandatory participation of defence counsel

Article 94

(1) Participation of the defence counsel in criminal proceedings shall be mandatory in cases where:

1. The accused party is underage;

2. The accused party suffers from physical or mental deficiencies, which prevent him/her from proceeding pro se;

3. the case is concerned with a criminal offence punishable by deprivation of liberty of no less than ten years or another heavier punishment;

4. The accused party does not have command of the Bulgarian language;

5. The interests of the accused parties are contradictory and one of the parties has his/her own defence counsel;

6. (Amended, SG No. 109/2008) A request under Article 64 has been made or the accused party is detained;

7. (Repealed, SG No. 32/2010, effective 28.05.2010);

8. The case is tried in the absence of the accused party;

9. The accused party cannot afford to pay a lawyer fee, wishes to have a defence counsel and the interests of justice so require.

(2) In cases within the scope of Paragraph 1, items 4 and 5, the participation of a defence counsel shall not be mandatory, provided the accused party makes a statement he/she wishes to dispense with having a defence counsel.

(3) Where participation of a defence counsel is mandatory, the respective body shall appoint a lawyer as a defence counsel.

(4) (Amended, SG No. 32/2010, effective 28.05.2010) Outside the scope of Paragraph 1, in respect of serious crime cases, the prosecutor or the court may appoint, subject to the procedure of the Legal Aid Act, a stand-by defence counsel irrespective of the assignment of a defence counsel, where this appointment is crucial with a view to holding the criminal proceedings within a reasonable time limit.

(5) (New, SG No. 32/2010, effective 28.05.2010) In cases within the scope of Paragraph 1, the appointed defence counsel shall continue their participation in the criminal proceedings as a

stand-by defence counsel where the accused party authorises another defence counsel or forgoes a defence counsel, provided that the conditions under Paragraph 4 are satisfied.

(6) (New, SG No. 32/2010, effective 28.05.2010) The stand-by defence counsel shall make the necessary preparations to examine the case-file and gain insight in the case, obtain the necessary excerpts, and take part in all investigative actions involving the accused party. Any other rights vested under Article 99(1) shall be exercised by the stand-by defence counsel upon the accused party's request or with the accused party's consent, and without such consent where defence is mandatory, and the authorised defence counsel, though validly summoned, fails to appear in court without showing good cause for such absence.

Withdrawal of defence counsel from a case accepted for defence

Article 95

The defence counsel may not withdraw from the accepted defence, except where it becomes impossible for him/her to carry out his or her obligations for reasons beyond his or her control. In the latter case the defence counsel shall be obligated to notify the accused party and the relevant authorities.

Waiver of counsel by the accused party and replacement of defence counsel

Article 96

(1) (Supplemented, SG No. 7/2019) The accused party may, at any time during the proceedings, make waiver of having a defence counsel, except in cases under Article 94, Paragraph (1), Items 1 - 3 and 6. The consequences of defence counsel waiver shall be explained to the accused party. The explanation, as well as the reasons stated by the accused party, due to which he/she waives counsel, shall be reflected in the record of the respective procedural action or in a separate record. The accused party shall be entitled at any given stage of the proceedings to withdraw his/her defence counsel waiver, with all procedural actions completed up to that time preserving their procedural value. In case of withdrawal of the defence counsel waiver, the accused party shall immediately be given the opportunity to exercise his/her rights under Article 55.

(2) The replacement of a defence counsel by another may take place at the request or with consent of the accused party.

Joinder of defence counsel to criminal proceedings

Article 97

(1) The defence counsel may join criminal proceedings from the moment an individual is detained or has been constituted in the capacity of accused party.

(2) The body entrusted with the pre-trial proceedings shall be obligated to explain to the accused party that he/she has the right to defence counsel, as well as to immediately allow him/her to contact one. Said body shall be prevented from taking any action within the context of investigation, as well as any other procedural action involving the accused party until it has been acquitted of this obligation.

Obligations of the defence counsel

Article 98

(1) The defence counsel shall be obligated to render legal assistance to the accused party and to contribute by all his/her actions to elucidate all factual and legal circumstances in favour of the accused party, guided by inner conviction, which shall be based on evidence in the case and the law.

(2) The defence counsel shall be obligated to agree the basic lines of defence with the accused party. Where the defence counsel is of the opinion that the basic lines of defence suggested by the accused party are incompatible with his or her duties, he or she shall inform the accused party in due course and shall proceed with the defence, provided he or she is not removed

from the criminal proceedings pursuant to the procedure specified to this effect.

(3) A defence counsel shall not be allowed to refuse the provision of legal assistance to the accused party on specific matters of the indictment under the pretext that the latter has yet another lawyer.

Rights of the defence counsel

Article 99

(1) (Supplemented, SG No. 110/2020, effective 30.06.2021) The defence counsel shall have the following rights: meet the accused party in private; to examine the case-file and obtain excerpts he/she needs; produce evidence; take part in the criminal proceedings; make requests, comments and raise objections, as well as to file appeal from acts of the court and of the bodies entrusted with the pre-trial proceedings which infringe upon the rights and legal interests of the accused party. Requests, remarks, objections, as well as appeals against acts that violate the rights and legitimate interests of the accused party may be made electronically, signed with a qualified electronic signature. The defence counsel shall have the right to take part in all investigative actions involving the accused party, his failure to appear not being an obstacle to their progress.

(2) Participation of a defence counsel shall not be an obstacle for the accused party to exercise his/her rights under Article 55 in person.

Section II
Counsel and special representative

Counsel

Article 100

(1) The private prosecutor, the private complainant, the civil claimant and the civil defendant may each authorise their own counsel.

(2) Where the private prosecutor, private complainant, civil claimant or civil respondent submits evidence of not having sufficient funds to hire a lawyer and wishes to have a counsel and the interests of justice so require, the court hearing the case at first instance shall appoint counsel for him/her.

(3) The provisions of Articles 91, 92 and 93 shall apply also to the counsel, mutatis mutandis.

Special representative

Article 101

(1) Where the interests of the child or young person victim and his/her parent, custodian or guardian are contradictory, the respective body shall appoint for him/her a special representative who is a lawyer.

(2) In cases where a report has been filed of a crime against a person who is unable to protect his/her rights and legal interests due to his/her helpless state or dependence on the perpetrator, as well as when it is evident from the report that a minor or juvenile victim does not have a parent, guardian, custodian or close relatives, or their interests are contradictory, the prosecutor shall appoint him/her a special representative – an attorney, before initiating pre-trial proceedings or refusing to initiate pre-trial proceedings.

(~~2~~3) A special representative who is a lawyer shall also be appointed for the victim, where he/she is incapacitated or has limited capacity and his/her interests stand in contradiction to those of his/her custodian or guardian.

(~~3~~4) The special representative shall participate as attorney in the criminal proceedings.

(~~4~~5) The provisions of Articles 91, paragraph 3 and 92 shall also apply to the special representative mutatis mutandis.

PART TWO

ON THE ESTABLISHMENT OF EVIDENCE

Chapter eleven
GENERAL PROVISIONS

Matters that have to be proved
Article 102

Subject of proof in the criminal proceedings shall be the following:
1. the fact that a criminal offence has been committed and the involvement of the accused party therein;
2. the nature and amount of damages caused by the act;
3. Other circumstances of relevance to the responsibility of the accused party, also including his/her family or financial status.

Burden of proof
Article 103

(1) The burden of proving the accusation in publicly actionable cases shall lie with the prosecutor and the investigative bodies, and in cases actionable by complaint of the victim - with the private complainant.
(2) The accused party shall not be obligated to prove that he or she is not guilty.
(3) No inferences may be made to the detriment of the accused party on account of the fact that he or she has not provided, or refuses to provide explanations, or has not proved his/her objections.

Evidence
Article 104

Evidence in the criminal proceedings may be factual data related to the circumstances in the case, such that contribute to their elucidation and are ascertained by the procedure provided for by this Code.

Objective forms of evidence
Article 105

(1) Objective forms of evidence shall serve for the reproduction of evidence and of other objective forms of evidence in the context of criminal proceedings.
(2) No objective forms of evidence shall be admitted, unless they have been collected or prepared in compliance with the terms and pursuant to the procedure herein specified.

Techniques for establishing evidence
Article 106

Evidence in the criminal proceedings shall be established with the techniques herein provided for.

Collection and verification of evidence
Article 107

(1) The bodies entrusted with pre-trial proceedings shall collect evidence ex officio or at the request of the interested individuals.
(2) The court shall collect evidence following requests made by the parties, and of its own motion, whenever this is necessary to the discovery of the objective truth.
(3) The court and the bodies entrusted with pre-trial proceedings shall collect and verify both

evidence which exposes the accused party or aggravate his or her responsibility, and evidence which exonerates the accused party or attenuates his or her responsibility.

(4) Collection of evidence may not be refused only because a request has not been made within the time limit set to this effect.

(5) All collected evidence shall be subject to careful verification.

Investigative action and judicial trial action taken by letters rogatory or in another area

Article 108

(1) Investigative action and judicial trial action by letters rogatory shall be allowed where it has to be performed outside the area of the body which is in charge of the case and where its performance by said body gives rise to serious difficulties.

(2) Where decreed by court, a procedure by letters rogatory shall be performed by the respective regional judge, and where decreed by a body entrusted with pre-trial proceedings - by the respective body entrusted with the pre-trial proceedings.

(3) The body who is in charge of the case may, where necessary, also take individual actions under Paragraph 1 in the area covered by another body.

Chapter twelve
MATERIAL EVIDENCE

Types of material evidence

Article 109

The following shall be collected and checked as material evidence: objects intended or used for the perpetration of the crime, upon which there are traces of the crime or which were subject of the crime, as well as all other objects which may serve to elucidate the circumstances in the case.

Description, taking photographs and enclosure of material evidence with the case

Article 110

(1) Material evidence must be carefully examined, described in detail in the respective record, and photographed, if possible.

(2) Material evidence shall be enclosed with the case file while measures are taken to avoid damaging or changing such evidence.

(3) Where a case file is transferred from one body to another, material evidence shall be transferred together with the case-file.

(4) Material evidence which, on account of size or other reasons, cannot be enclosed with the case-file, must be sealed, if possible, and left for safekeeping at the places indicated by the respective authority.

(5) Money and other valuables must be deposited for safekeeping with a commercial bank servicing the National budget or with the Bulgarian National Bank.

Safekeeping of material evidence

Article 111

(1) Material evidence shall be kept until the completion of criminal proceedings.

(2) Objects seized as material evidence, may be returned to rights holders from whom they had been taken with authorisation of the prosecutor before the end of criminal proceedings only where this will not obstruct the discovery of the objective truth and they do not make the object of administrative violations.

(3) (Supplemented, SG No. 63/2017, effective 5.11.2017) The prosecutor shall make pronouncement on requests for return within three days. A refusal of the prosecutor under Paragraph (2) shall be subject to appeal by the rights holder before the competent court of first

instance. The court shall make pronouncement on the appeal within three days of receiving it, in a closed single-judge session, and such pronouncement shall be definitive.

(4) Perishable objects seized as material evidence which cannot be returned to the rights holders from which they had been taken shall be delivered to the respective institutions and legal entities with the authorisation of the prosecutor to be used in accordance with their designation or shall be sold and the proceeds shall be deposited with a commercial bank, servicing the National budget.

(5) (Amended and supplemented, SG No. 42/2015) Drugs, precursors, and drug-containing plants, as well as excise goods, may be destroyed prior to the completion of criminal proceedings as per conditions and procedures laid down by law. In this hypothesis, only representative samples seized shall be kept until the completion of proceedings.

Disposal of material evidence

Article 112

(1) Except in the hypotheses specified in Article 53 Criminal Code, the objects seized as material evidence shall be forfeited to the benefit of the state where the ownership thereof has not been established and within one year following the completion of criminal proceedings they have not been claimed.

(2) Objects seized as material evidence, the possession of which is forbidden, shall be delivered to the respective institutions or destroyed.

(3) (New, SG No. 109/2008) In cases other than the hypotheses stipulated in Article 53 of the Criminal Code, motor vehicles seized as material evidence shall be forfeited in favour of the State, where the ownership of such vehicles has not been established and they have not been claimed back within five years upon their seizure. The forfeiture shall be effected by a prosecutor's decree in the case of pre-trial proceedings, and by a court rulng in the case of court proceedings.

(4) (Renumbered from Paragraph 3, SG No. 109/2008) Letters, papers or other written instruments seized as material evidence shall remain enclosed to the case file or shall be delivered to the interested institutions, legal and natural persons.

Disputes over rights to objects seized as material evidence

Article 113

In the case of a dispute over rights to objects seized as material evidence, which is subject to examination pursuant to the Code of Civil Procedure, they shall be kept pending a decision of the civil court coming into force.

Chapter thirteen
OBJECTIVE FORMS OF EVIDENCE

Section I
General provisions

Types of objectives forms of evidence

Article 114

Evidence shall be established through oral, material and written objective forms of evidence.

Section II
Oral objective forms of evidence

Explanations of the accused party

Article 115

(1) The accused party shall give explanations orally and directly before the respective body.

(2) The accused party shall not be interrogated by letter rogatory or through a video conference, except where he or she is outside the territory of the country and the interrogation will not obstruct the discovery of the objective truth.

(3) The accused party may provide explanations at any moment during the investigation and the judicial trial.

(4) The accused party shall have the right to refuse providing explanations.

Probative value of confessions by the accused party

Article 116

(1) The accusation and the sentence may not be solely based on the confessions of the accused party.

(2) A confession of the accused party shall not exempt the respective bodies from their obligation to collect other evidence in the case as well.

Witness testimony

Article 117

Witnesses testimony may be used to establish all facts perceived by a witness, which contribute to elucidating the objective truth.

Individuals who may not have the capacity of witnesses

Article 118

(1) Individuals who have taken part in the same criminal proceedings in another procedural capacity may not have the capacity of witnesses, except for:

1. The accused party, once proceedings have terminated or been disposed of by a sentence in force with regard to him/her;

2. The victim, the private prosecutor, the civil claimant, the civil defendant, the person who reported the crime;

3. (Amended, SG No. 32/2010, effective 28.05.2010, amended and supplemented, SG No. 93/2011, effective 1.01.2012, supplemented, SG No. 52/2013, effective 14.06.2013, amended, SG No. 14/2015) The certifying witnesses and officers of the Ministry of Interior, the Military Police, or the Customs Agency who attended on-site observations, searches, seizures, crime re-enactment, or identification of persons and objects.

(2) Individuals who have taken investigative or judicial trial action may not have the capacity of witnesses, even where records of action taken by them have not been drafted in accordance with the terms and in pursuance of the procedure herein provided for.

(3) Individuals, who on account of physical or mental deficiencies are unable to properly perceive the facts of significance in the case, or give reliable testimonies about them, may not have the capacity of witnesses, either.

Individuals who may refuse to testify

Article 119

The spouse, ascendants, descendants, brothers, sisters of the accused party and the individuals with whom he/she lives together may refuse to testify.

Obligations of the witness

Article 120

(1) Witnesses shall be obligated to appear before the respective body where summonsed; to state everything they know about the case and answer the questions put thereto, as well as to remain at the disposal of the body who has summonsed them as long as this may be necessary.

(2) Witnesses who cannot appear because of illness or disability, may be interrogated at the

place they are located.

(3) (Amended, SG No. 32/2010, effective 28.05.2010) A witness who fails to appear at the specified place and time and to testify shall be punished by fine of up to BGN three hundred, and shall be brought in by compulsion for the purposes of interrogation pursuant to the procedure set forth in Article 71. Where a witness can show some valid reasons for his/her failure to appear, the fine and compulsory bringing shall be repealed.

(4) (Amended, SG No. 32/2010, effective 28.05.2010) A witness who refuses to testify outside the hypotheses of Article 119 and Article 121 shall be punished by fine of up to BGN one thousand.

(5) (New, SG No. 63/2017, effective 5.11.2017) Where the fine under Paragraphs (3) and (4) is imposed by a body entrusted with pre-trial proceedings, the ruling shall be appealed against before the corresponding court of first instance within three days of the notice of its imposition The court shall immediately issue, in a closed session, a ruling which shall be definitive.

(6) (New, SG No. 63/2017, effective 5.11.2017) The court ruling whereby the court refuses to repeal the fine under Paragraphs (3) and (4) shall be subject to appeal in accordance with the procedure established by chapter twenty-two.

Circumstances of which witnesses shall not be obligated to testify

Article 121

(1) Witnesses shall not be obligated to testify on questions, the answers to which might incriminate them, their relatives of ascending and descending line, brothers, sisters, spouses or individuals with whom they live together, in the commission of crime.

(2) (Supplemented, SG No. 21/2014) Witnesses may not be interrogated on circumstances which were confided thereto as defence counsel or attorney or which have become known to them in the capacity as translators at the meeting of the accused party with the defence counsel.

Rights of witnesses

Article 122

(1) Witnesses shall have the following rights: to use notes about figures, dates etc., available with them and which refer to their testimony; to receive remuneration for the lost workday and to be reimbursed for any expenses incurred, as well as to request revocation of acts that infringe upon their rights and lawful interests.

(2) The witness shall have the right to consult a lawyer, where he/she believes that by answering the question his/her fundamental rights under Article 121 are infringed upon. Where a request to this effect has been made, the investigative body or the court shall allow for this possibility.

Witness protection

Article 123

(1) (Amended, SG No. 44/2018) The prosecutor or the court shall, upon request or with consent of the witness, take measures for his/her immediate protection, should there be sufficient grounds to assume that, as a result of testimony, a real threat has arisen or may arise to the life, health or property of the witness, his/her ascending and descending relatives, brothers, sisters, spouse or individuals with whom he is in a particularly close relationship.

(2) Witness protection shall be of a temporary nature and be provided by means of:

1. (Amended, SG No. 21/2014, effective 9.04.2014) Provision of personal physical protection by:

(a) The authorities of the Ministry of Interior;

(b) (Amended, SG No. 80/2021) The officers of the Bureau for Protection with the Minister of Justice - where necessary and in case of explicit assignment thereof by a prosecutor under Paragraph (1);

2. Keeping his/her identity secret.

(3) Personal physical protection may also be provided to ascending or descending relatives, brothers, sisters, the spouse or individuals with whom the witness is in a particularly close relationship, with their consent or with consent from their statutory representatives.

(4) The act of the respective body on the provision of witness protection shall indicate:

1. The issuing body;

2. The date, hour and place of issuance;

3. The circumstances warranting that protection be provided;

4. The type of measure applied;

5. Information about the identity of the individual for whose protection arrangements are made;

6. The identification code given to the individual whose identity is kept secret;

7. Signature of the respective body and the individual concerned.

(5) The respective pre-trial authorities and the court shall have direct access to the protected witness, while the defence counsel and the counsel may have such access only if the witness has been summonsed upon their request.

(6) The measures for protection under paragraph 2 shall be withdrawn upon request of the person, in respect of whom they have been taken, or in the event of elimination of the need for application of such measures, through an act of the body under paragraph (1).

(7) In order to ensure the protection of the life, health or property of individuals under Paragraph 1, who have given their written consent, special intelligence means may be used.

(8) (Amended, SG No. 44/2018) Within up to thirty days of taking a measure under Paragraph (2), the court may propose the inclusion of the witness or his/her ascending or descending relatives, siblings, spouse or of the persons with whom he/she is in particularly close relationships into the protection programme subject to the conditions and procedure of the Protection of Individuals at Risk in Relation to Criminal Proceedings Act.

Protection of undercover officers in criminal proceedings

Article 123a

(New, SG No. 32/2010, effective 28.05.2010)

(1) No undercover officer may be interrogated in any criminal case as a witness, where grounds suffice to assume that witnessing may result in real jeopardy of life or health of the officer, his/her relatives in ascending or descending line, brothers, sisters, spouse, or any other person of particularly close relation, as well as if witnessing presents an obstacle to performing the officer's functions.

(2) The head of the unit which conducts the investigation via an undercover officer, or via a person authorised by the latter, shall assess the likelihood of occurrence as regards the jeopardy referred to in Paragraph 1 and shall immediately notify the supervising prosecutor and the court.

(3) Information regarding the identity of the undercover officer may be submitted to the supervising prosecutor and the court upon a reasoned request addressed to the authority referred to in Article 175(2) which shall issue a written order to reveal the officer's identity only if no jeopardy under Paragraph 1 will occur.

(4) The authorities entrusted with pre-trial proceedings and the court shall take all possible measures to keep the undercover officer's identity in secret.

Probative force of testimony given by a secret identity witness and by an undercover officer

Article 124

(Amended, SG No. 32/2010, effective 28.05.2010)

The indictment and the sentence may not be based only on testimony of witnesses given pursuant to Article 141 or Article 141a.

Section III
Types of objectives forms of evidence

Preparation and attachment to the case file of material evidence
Article 125

(1) Where material evidence cannot be separated from the place, where it was found, and also in other cases specified by this Code, the following shall be prepared: photographs, slides, films, video tapes, sound-recordings, recordings on carriers of computerized data, layouts, schemes, casts or prints thereof.

(2) The court and the authorities entrusted with pre-trial proceedings shall also collect and inspect the objective forms of evidence prepared with the use of special intelligence means in the hypotheses herein set forth.

(3) The materials under the paragraphs 1 and 2 shall be enclosed with the case file.

Persons who shall prepare objective forms of material evidence
Article 126

(1) Objective forms of material evidence shall be prepared, where possible, by the persons conducting investigative actions and judicial trial actions.

(2) Where special knowledge and training are needed for that purpose, a specialist - technical assistant shall be appointed.

(3) The persons indicated under Article 148, paragraph (1), may not be specialists - technical assistants.

(4) The specialist - technical assistant shall carry out the task assigned thereto under the direct supervision and guidance of the body who appointed him/her.

(5) For failure to appear or refusal, without good reasons, to carry out the task assigned thereto, the specialist - technical assistant shall be held responsible pursuant to Article 149, paragraph (5).

Section IV
Written objective forms of evidence

Types of written objectives forms of evidence
Article 127

(Supplemented, SG No. 32/2010, effective 28.05.2010)

(1) (Previous text of Article 127, supplemented, SG No. 63/2017, effective 5.11.2017, amended, SG No. 44/2018) Records of action taken for investigation, at judicial trial and of other procedural action, records for the preparation of material objective forms of evidence as well as other documents, including reports and enclosures thereof regarding investigations undertaken by the European Anti-Fraud Office (OLAF), revision acts whereby tax liabilities and liabilities for mandatory social security contributions are established, and the audit reports enclosed thereto, as well as the reports under Article 19 of the Public Financial Inspection Act and the audit reports under Article 58 of the National Audit Office Act and the documents enclosed thereto, shall constitute written objective forms of evidence.

(2) (New, SG No. 63/2017, effective 5.11.2017, amended, SG No. 44/2018) The indictment and the sentence may not be based only on the data included in the revision acts, the reports under Article 19 of the Public Financial Inspection Act, the audit reports under Article 58 of the National Audit Office Act, the reports regarding investigations undertaken by the European Anti-Fraud Office (OLAF), and the documents enclosed thereto.

Drawing up record
Article 128

For every investigative action and judicial trial action a record shall be drawn up at the place where it is performed.

Content of the record

Article 129

(1) Records shall include: the date and place of the investigative actions and judicial trial actions; the time of their commencement and completion; persons who took part in them; any requests, comments, and objections made; the actions performed in their order of succession and the evidence collected.

(2) The record shall be signed by the authority which has taken the respective action, as well as by the other participants in criminal proceedings in the hypotheses herein set forth.

Corrections, amendments and supplements to the records

Article 130

All corrections, amendments and supplements to the records must be certified by signature of the persons undersigned.

Records as objective forms of evidence

Article 131

Records drawn up in compliance with the conditions and procedure specified by this Code, shall be objective forms of evidence for the performance of the respective actions, the procedure used for their performance and of the evidence collected.

Records for preparation of material objective forms of evidence

Article 132

(1) The preparation of material objective forms of evidence shall be registered in the record for the respective action or in a separate record which shall be signed by the body conducting the actions and by the specialist - technical assistant.

(2) (Amended, SG No. 109/2008) The preparation of material objective forms of evidence obtained through the use of special intelligence means shall be reflected in a record of proceedings signed by the head of the structure which has prepared the material objective form of evidence, wherein the following shall be specified:

1. The time and location where a special intelligence means has been applied and the respective material objective forms of evidence have been prepared;

2. The identity of the controlled person;

3. The operational techniques and technical equipment used;

4. A textual reproduction of the content of the material objective form of evidence.

(3) (Amended and supplemented, SG No. 109/2008, amended, SG No. 70/2013, effective 9.08.2013) The following shall be enclosed with records under Paragraph 2: the request for use of a special intelligence means; the written consent of the persons under Article 123, Paragraph 7; the authorisation for use thereof; and an order issued by the Chairperson of the State Agency for Technical Operations or a Deputy Chairperson authorised by the Chairperson, or the Head of the State Agency for National Security, or a Deputy Head authorized thereby pursuant to the Special Intelligence Means Act.

(4) Material objective forms of evidence shall be an integral part of the record under Paragraph 2 and they shall be enclosed with the case.

Procurement of documents

Article 133

(1) Upon request by the interested person, the court or the body entrusted with pre-trial proceedings shall issue a certificate thereto, by virtue of which the state and public bodies shall be obligated to supply such person with the necessary documents within their competence.

(2) For failure to discharge his/her obligation under Paragraph 1 without any valid reasons, the respective official shall be imposed a fine between BGN one hundred to one thousand.

(3) (New, SG No. 63/2017, effective 5.11.2017) Where the fine is imposed by a body entrusted with pre-trial proceedings, the ruling shall be appealed against before the corresponding court of first instance within three days of the notice of its imposition The court shall immediately issue, in a closed session, a ruling which shall be definitive.

(4) (New, SG No. 63/2017, effective 5.11.2017) The court ruling whereby the court refuses to repeal a fine under Paragraph (2) shall be subject to appeal in accordance with the procedure established by chapter twenty-two.

Documents in foreign language

Article 134

Where a document has been drawn up in a foreign language, it shall be accompanied by translation in Bulgarian, duly certified under the established procedure, or a translator shall be appointed.

Computerized data on paper carriers

Article 135

Computerized data shall have to also be stored on paper carriers following the procedure set out in Article 163, paragraph 7.

Chapter fourteen
TECHNIQUES FOR ESTABLISHING EVIDENCE

Section I
General provisions

Techniques for establishing evidence

Article 136

(1) Evidence shall be collected and verified within criminal proceedings through interrogation, expert assessment, seizure, re-enactment of the crime and identification of persons and objects, as well as through special intelligence means.

(2) When applying the techniques under Paragraph 1 in respect to lawyers and Notaries-Public, the provisions of the Bar Act and the Notaries and Notarial Practice Act shall apply.

Certifying witnesses

Article 137

(1) In pre-trial proceedings the observation, search, seizure, re-enactment of crime and identification of individuals and objects shall be conducted in presence of certifying witnesses.

(2) Certifying witnesses shall be selected by the body performing the respective investigative action from among persons without any other procedural capacity who are not interested in the outcome of the case.

(3) Certifying witnesses shall be obligated to appear once they have been invited and remain available as long as needed. For failure to comply with their obligations, certifying witnesses shall be liable as witnesses.

(4) Certifying witnesses shall have the following rights: make comments about and raise objections against omissions and violations of the law that have been allowed; request corrections, changes and supplements to the record; sign the record with a separate opinion, submitting their arguments in writing to this effect; request rescission of the acts infringing upon their rights and

legal interests; receive adequate remuneration and have the expenses incurred by them reimbursed.

(5) The authority in charge of performing an investigative action shall explain to certifying witnesses their rights under Paragraph 4.

Section II
Interrogation

Interrogation of the accused party

Article 138

(1) The interrogation of the accused party shall take place in daytime, except where it may suffer no delay.

(2) Before interrogation, the respective body shall establish the identity of the accused party.

(3) The interrogation of the accused shall begin with the question whether he or she understands the charges pressed against him/her, after which the accused party shall be asked to tell in the form of free narration, if he or she wishes, everything that he or she knows in relation to the case.

(4) Questions may be put to the accused party for supplementing his/her explanations or for removing any omissions, ambiguities or contradictions.

(5) The questions must be clear, concrete and relevant to the circumstances of the case. They should not suggest answers or lead to a particular answer.

(6) Where several persons have been constituted as accused parties, the investigative body shall interrogate them separately.

(7)The accused party shall not be interrogated by letter rogatory or through a video conference, except where he or she is outside the territory of the country and the interrogation will not obstruct discovery of the objective truth.

Interrogation of witnesses

Article 139

(1) (Amended, SG No. 32/2010, effective 28.05.2010) Prior to interrogation of the witness his or her identity shall be established, and the relations thereof with the accused party and with the other participants in the proceedings. In cases under Articles 141 and 141a, the identification code of the witness shall be entered in the record to substitute for his/her identity data.

(2) The body conducting the interrogation shall invite the witness to testify in good faith and warn him or her of the responsibility under the law if he or she refuses to do so, gives false testimony or withholds certain circumstances, also explaining him/her the right under Article 121.

(3) The witness shall promise to tell in good faith and exactly everything to his or her knowledge about the case.

(4) The persons under Article 119 shall be explained their right to refuse to testify.

(5) Witnesses shall state in the form of free narration all that may be known to them about the case.

(6) The provisions of Article 115, paragraph (1), Article 138, paragraphs (4) and (5) shall also apply to the interrogation of witnesses, mutatis mutandis.

(7) (Amended, SG No. 32/2010, effective 28.05.2010) Any witness outside the territory of Bulgaria may also be interrogated through a video or phone conference in compliance with the provisions of this Code.

(8) (New, SG No. 32/2010, effective 28.05.2010) Interrogating a witness within the territory of Bulgaria through a video or phone conference may be conducted in trial proceedings, as well as in pre-trial proceedings subject to the conditions and procedures laid down in Article 223.

(9) (New, SG No. 32/2010, effective 28.05.2010) In cases within the scope of paragraph 8, the interrogation shall be conducted in compliance with the provisions of this Code, and the

identity of the witness shall be verified by a judge from the court of first instance in the area where the witness is located.

(10) (New, SG No. 63/2017, effective 5.11.2017) Interviews of witnesses with specific protection needs shall be conducted after measures have ben taken to avoid contact with the accused party, including videoconferencing or telephone conferencing, in accordance with the provisions of this Code.

(11) (New, SG No. 98/2020) Protected witness may also be interrogated through a videoconference.

Interrogation of children and young persons as witnesses

Article 140

(1) Children shall be interrogated as witnesses in the presence of a pedagogue or psychologist, and where necessary, also in the presence of their parent or guardian.

(2) Young persons shall be interrogated as witnesses in the presence of the persons under paragraph 1, if the respective body finds this necessary.

(3) With authorisation of the body conducting the interrogation, the persons under paragraph (1) may put questions to the witness.

(4) The body conducting the interrogation shall explain to the witness who is a child the necessity of giving true testimony, without warning him/her about any responsibility.

(5) (New, SG No. 109/2008, amended, SG No. 63/2017, effective 5.11.2017) Children or minors can be interviewed as witnesses in Bulgaria after measures have ben taken to avoid contact with the accused party, including in specially equipped premises or via videoconferencing.

Interrogation of a witness with a secret identity

Article 141

(1) (Amended, SG No. 32/2010, effective 28.05.2010) Pre-trial authorities and the court shall interrogate the witness with a secret identity and undertake all possible measures to keep his or her identity secret, also in cases where witnesses are interrogated, through a video or phone conference.

(2) Transcripts of the records for interrogation of the witness that do not bear his/her signature should be submitted forthwith to the accused party and to the defence counsel thereof, and in court proceedings - to the parties who may put questions to the witness in writing.

(3) (Amended, SG No. 32/2010, effective 28.05.2010) Any interrogations as per the procedure of Article 139(8) of a secret identity witness shall be conducted by applying the method of voice alternation, and any interrogation through a video conference shall be conducted with the witness's image having been altered. Prior to commencing the interrogation, a judge from the court of first instance in the area where the witness is located shall verify that the person to be interrogated is the same person who has been given the identification number under Article 123(4)(6).

(4) (New, SG No. 32/2010, effective 28.05.2010, amended, SG No. 44/2018) Paragraphs 1 - 3 shall apply accordingly to interrogations of persons in respect of whom a measure for protection has been effected under Article 6, Paragraph 1 and 2 of the Protection of Individuals at Risk in Relation to Criminal Proceedings Act.

Interrogating undercover officers as witnesses

Article 141a

(New, SG No. 32/2010, effective 28.05.2010) (1) Undercover officers shall be interrogated as witnesses in compliance with the procedure of Article 139(8), with the interrogated officer's voice having been altered. In the case of video conference interrogation, both the interrogated undercover officer's voice and image shall be altered.

(2) (Amended, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, SG No. 42/2015) Prior to commencing the interrogation, the head of the unit which conducts the

investigation via an undercover officer, or via a person authorised by the latter, shall attest that the person to be interrogated is the same person who has been given the identification number under Article 174(7).

(3) (Amended, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, SG No. 42/2015) The request to use an undercover officer, as well as the orders referred to in Article 174(7) and Article 175(2) shall be enclosed with the record of interrogation.

Interrogation with interpreter and Bulgarian sign interpreter

(Title amended, SG No. 9/2021, effective 6.02.2021)

Article 142

(Amended, SG No. 21/2014)

(1) Where the accused party does not speak the Bulgarian language, a translator shall be appointed.

(2) (Amended, SG No. 9/2021, effective 6.02.2021) Where the witness is deaf or mute, a Bulgarian sign interpreter shall be appointed.

(3) (Amended, SG No. 9/2021, effective 6.02.2021) The rules of Chapter Thirty "a" shall apply to the interpreter and the Bulgarian sign interpreter.

(4) (New, SG No. 98/2020) The interrogation can also be done by videoconference.

Confrontation

Article 143

(1) Where there is substantial contradiction between the explanations of the accused party or between the explanations of the accused party and the testimony of witnesses, a confrontation between them may be arranged, except in cases under Article 123, paragraph 2, item 2.

(2) The confronted persons shall be asked before interrogation whether they know each other and what their relations are.

(3) By authorisation of the respective body, confronted persons made may put questions to each another.

(4) (New, SG No. 98/2020) A face to face interrogation may also be done through a videoconference, except where the accused person is outside the territory of the country and the interrogation will not obstruct discovery of the objective truth.

(5) (Renumbered from Paragraph (4), amended, SG No. 98/2020) Where there is substantial contradiction between the testimony of witnesses, Paragraphs 1 - 4 shall apply, except in cases under Article 123, Paragraph 2, Item 2.

Section III
EXPERT ASSESSMENT

Cases in which expert assessment shall be appointed

Article 144

(1) Where special knowledge is necessary in the field of science, art or technology, for the purpose of elucidating some circumstances of the case, the court or the body of pre-trial proceedings shall appoint an expert assessment.

(2) The expert assessment shall be mandatory where there is doubt about:

1. the cause of death;

2. the nature of the bodily injury;

3. the capacity of the accused party to be responsible for his/her actions;

4. the capability of the accused party to correctly perceive facts of significance to the case, in view of his/her physical or mental status, and to give reliable explanations in relation to them;

5. the capability of the witness to correctly perceive facts of significance to the case, in view

of his/her physical or mental status, and to give reliable testimony on them.

(3) (New, SG No. 63/2017, effective 5.11.2017) An expert assessment can also be appointed to establish specific protection needs of a witness in connection with his/her participation in criminal proceedings.

Content of the act for appointment of an expert assessment

Article 145

(1) (Amended, SG No. 101/2010) The act for appointment of an expert assessment shall set forth: the grounds which necessitate expert assessment; the object and purpose of the expert assessment; the materials placed at the disposal of the expert; the full name, education, specialty, academic degree and position of the expert or name of the institution at which the expert works, the name of the medical institution at which hospital observations shall be made.

(2) Where the expert assessment has been appointed at pre-trial proceedings, the act under Paragraph 1 shall also specify the period for presentation of conclusions.

Taking samples for comparative study

Article 146

(1) The authority which appoints the expert assessment may require from the accused party samples for comparative study, where these may not be otherwise obtained.

(2) Paragraph (1) shall also apply to witnesses, should it be necessary to check whether they have left traces at the scene of crime or on pieces of material evidence.

(3) Individuals under Paragraph 1 and 2 shall be obligated to present the samples required for comparative study and in the event of refusal samples shall be taken by coercion with authorisation of the respective first-instance court.

(4) Where samples for a comparative study are concerned with taking blood samples or other similar interventions requiring penetration of the human body, sample taking shall be performed by a person with medical competency under the observation of a physician following medical practice rules and without threatening the health of the individual.

Persons who shall be charged with the expert assessment

Article 147

The expert assessment shall be assigned to specialists in the respective area of science, art or technology.

Persons who may not be experts

Article 148

(1) The following may not be experts:

1. persons with regard to whom the grounds under Article 29, Paragraph (1), items 1 - 5 and 7 - 8 and Paragraph (2) are at hand;

2. witnesses in the case;

3. persons of official or other dependence upon the accused or the defence counsel thereof, upon the victim, the private complainant, the civil claimant, the civil defendant or upon their counsels;

4. the persons who have conducted an audit, of which the materials have served as grounds for the institution of investigation;

5. persons who do not possess the required professional competency, if such competency is required.

(2) In the hypotheses of Paragraph 1, the expert witness shall be obligated to recuse him/herself;

(3) The interested parties shall file applications for disqualification before the body which has appointed the expert assessment.

Obligations of the expert witness

Article 149

(1) The expert witness shall be obligated to appear before the respective body where summonsed and to submit a conclusion on the issues of expert assessment.

(2) An expert may refuse to submit a conclusion only where the questions asked fall beyond the framework of his/her specialty or where the available materials are not sufficient for him/her to form an informed view on the matters at stake.

(3) (Amended, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 110/2020, effective 30.06.2021) The expert witness shall submit his/her conclusion at pre-trial proceedings within the time limit set by the authority in charge of pre-trial proceedings, whereas during court proceedings – no later than seven days from the date of the court hearing. The conclusion may be submitted in electronic form, signed with a qualified electronic signature.

(4) The expert witness shall submit his/her conclusion in court with copies for the parties.

(5) (Amended, SG No. 32/2010, effective 28.05.2010) For failure to appear or refusal to submit a report without valid reasons, the expert shall be punished by fine of up to BGN five hundred. If the expert witness indicates valid reasons for his/her failure to appear, the fine shall be withdrawn.

(6) (New, SG No. 63/2017, effective 5.11.2017) Where the fine under Paragraph (5) is imposed by a body entrusted with pre-trial proceedings, the ruling shall be appealed against before the corresponding court of first instance within three days of the notice of its imposition The court shall immediately issue, in a closed session, a ruling which shall be definitive.

(7) (New, SG No. 63/2017, effective 5.11.2017) The court ruling whereby the court refuses to repeal a fine under Paragraph (5) shall be subject to appeal in accordance with the procedure established by chapter twenty-two.

(8) (Renumbered from Paragraph (6), amended, SG No. 63/2017, effective 5.11.2017) An expert may be interrogated through a video or phone conference, where so required in view of the circumstances of the case.

Rights of the expert witness

Article 150

(1) The expert shall have the following rights: to familiarize himself with the materials in the case file which refer to the issues of the expert assessment; to require additional materials and to take part in conducting individual investigative actions, if necessary, in order to fulfil the task assigned thereto; to receive remuneration for the work done, and reimbursement for the expenses incurred, as well as to demand reversal of acts which infringe upon his/her rights and lawful interests.

(2) Where there is more than one expert witness, they shall have the right to deliberate prior to submitting a conclusion. Should they be of unanimous opinion, the experts may appoint one of them to present before the respective body a joint conclusion, and where they are of different opinions each one shall submit a separate conclusion.

Inspection of the eligibility requirements in respect to the expert witness and service of the act for his/her appointment

Article 151

(1) The body who has appointed the expert assessment shall summon the expert witnesses, verify their identity, specialty and competence, their relations with the accused party and the victim, as well as whether there are grounds for disqualification.

(2) The act for appointment of expert assessment shall be served on the expert witness, whereupon the rights and obligations shall be explained thereto, as well as the responsibility should he/she submit a false conclusion.

Expert conclusion

Article 152

(1) After performing the necessary studies, the expert witness shall draw up a conclusion in writing indicating the following: full name and grounds for conducting the expert assessment; place of conducting the expert assessment; the task that was set; materials which were used; studies made and research and technical means applied; findings and inferences of the expert assessment.

(2) The report shall be signed by the expert witness.

(3) Where in the course of conducting the expert assessment new materials are found of significance for the case, but in connection with which no task has been set to the expert, the expert witness shall be obligated to point them out in the conclusion.

Additional and second expert assessment

Article 153

An additional expert assessment shall be appointed where the conclusion of the expert is not sufficiently comprehensive and clear, and a second expert assessment shall be appointed if the conclusion is not well justified and gives rise to doubts about its correctness.

Evidential force of an expert conclusion

Article 154

(1) The conclusion of an expert shall not be binding upon the court and the bodies of pre-trial proceedings.

(2) Where a body disagrees with the conclusion of an expert, it shall be obligated to provide reasons thereof.

Section IV
Observation on site

Purpose of the observation

Article 155

(1) The court and the bodies of pre-trial proceedings shall make observations of locations, premises, objects and persons in order to reveal, to examine directly and to preserve in compliance with the procedure established by this Code, traces of the crime and other data necessary for the elucidation of circumstances in the case.

(2) Measures shall be taken prior to the observation to prevent deletion of traces from the crime.

Conducting observation on site

Article 156

(1) The observation shall be effected in the presence of certifying witnesses, except where it takes place at a court hearing.

(2) Where necessary, observation on site shall be performed in the presence of an expert witness or specialist - technical assistant.

(3) In the course of observation on site everything shall be examined as found, and any dislocations necessary shall be made after that.

(4) Observations on site shall be carried out in daytime, except in cases which may suffer no delay.

Observation of a body

Article 157

(1) The observation of a body shall be conducted, if possible, at the location where it was discovered, in the presence of a forensic expert witness, and where no such expert is available - in

the presence of another physician.

(2) The burial of the body subject of the observation shall be carried out with authorisation of the prosecutor.

(3) Exhumation of a body shall be allowed by order of the court or of the prosecutor, in the presence of a forensic expert.

(4) Reinterment of a body shall be allowed with authorisation of the body which has ordered the exhumation.

Physical examination

Article 158

(1) The physical examination of a person should not allow actions which may offend the person's dignity or such that are hazardous to the person's health.

(2) Where the examined person must be undressed, the certifying witnesses must be of the same gender. If the official who must perform the physical examination is of another gender, the examination shall be made by a physician.

(3) The physical examination of a person in pre-trial proceedings shall be performed with his/her written consent, and without such a consent - with a authorisation by a judge from the respective first instance court, in the area of which the action is taken, upon request of the prosecutor.

(4) In urgent cases, where this is the only possible way to collect and keep evidence, the bodies of pre-trial proceedings may perform physical examination without prior authorisation, and the record of the examination shall be submitted for approval by the prosecutor to the judge forthwith, and no later than 24 hours.

Section V
Searches and seizures

Obligation to hand over objects, papers, computerised data, data about subscribers to computer information service and other data

(Title amended, SG No. 24/2015, effective 31.03.2015)

Article 159

(1) (Redesignated from Article 159, SG No. 32/2010, effective 28.05.2010, amended, SG No. 24/2015, effective 31.03.2015) Upon request of the court or the pre-trial authorities, all institutions, legal persons, officials and citizens shall be obligated to preserve and hand over all objects, papers, computerized data and other data, that may be of significance to the case.

(2) (New, SG No. 32/2010, effective 28.05.2010) The pre-trial authorities or the court may request that the European Anti-fraud Office provide them with the reports and enclosures thereof regarding any investigations conducted by the Office.

Submission of data by enterprises, providing public electronic communication networks and/or services

Article 159a

(New, SG No. 24/2015, effective 31.03.2015)

(1) Upon request by a court as part of court proceedings or based on motivated order by a judge of the respective court of first instance, issued by request of the supervising prosecutor of pre-trial proceedings the enterprises, providing public electronic communication networks and/or services shall make available the data, generated in the course of performance of their activities, which may be required for:

1. tracing and identification of the source of the communication link;
2. identification of the direction of the communication link;
3. identification of the date, hour and duration of the communication link;

4. identification of the type of the communication link;

5. (amended, SG No. 20/2021) to identify the terminal equipment of the user or what purports to be a terminal equipment of the user;

6. establishment of an identification code of the cells used.

(2) The data under Paragraph 1 shall be collected where required for investigation of serious premeditated crimes.

(3) The request of the supervising prosecutor under Paragraph 1 shall be substantiated and must certainly contain:

1. information concerning the crime, for the investigation of which data concerning the traffic is required;

2. description of the circumstances, on which the request is based;

3. data regarding the individuals, for whom data concerning the traffic is required;

4. (amended, SG No. 20/2021) a reasonable period of time to cover the information summary;

5. the investigating authority, to which the data must be provided.

(4) The court shal indicate in the order under Paragraph 1:

1. data, which must be reflected in the information summary;

2. (amended, SG No. 20/2021) a reasonable period of time to cover the information summary;

3. the investigating authority, to which the data must be provided.

(5) The time period, for which provision of the data under Paragraph 1 may be requested and authorised, shall not exceed 6 months.

(6) If the information summary contains data, which is not related to the circumstances under the case and does not contribute to their clarification, upon motivated written request of the supervising prosecutor the judge, who issued the authorisation, shall order the destruction of that material. The destruction shall be performed under procedure, approved by the Chief Prosecutor. Within 7 days of receipt of such order the enterprises under Paragraph 1 and the supervising prosecutor shall submit to the judge who issued it the protocols of destruction of the data.

Grounds for and purpose of the search

Article 160

(1) Should there be sufficient reasons to assume that in certain premises or on certain persons objects, papers or computerized information systems containing computerized data may be found, which may be of significance to the ease, searches shall be conducted for their discovery and seizure.

(2) A search may also be conducted for the purpose of finding a person or a body.

Bodies making decisions on searches and seizures

Article 161

(1) In pre-trial proceedings search and seizure shall be performed with an authorisation by a judge from the respective first instance court or a judge from the first-instance court in the area of which the action is taken, upon request of the prosecutor.

(2) In cases of urgency, where this is the only possible way to collect and keep evidence, the pre-trial authorities may perform physical examination without authorisation under paragraph 1, the record of the investigative action being submitted for approval by the supervising prosecutor to the judge forthwith, but not later than 24 hours thereafter.

(3) In court proceedings a search and seizure shall be performed following a decision of the court which is trying the case.

Persons present in the course of searches and seizures

Article 162

(1) Searches and seizures shall be conducted in the presence of certifying witnesses and of

the person who uses the premises, or of an adult member of the person's family.

(2) Where the person who uses the premises or a member of his/her family cannot attend, the search and seizure shall be effected in the presence of the house manager or of representative of the municipality or mayor's office.

(3) Searches and seizures in premises used by state and/or municipal services shall be effected in the presence of a representative of the service.

(4) Searches and seizures in premises used by a legal person shall be performed in the presence of a representative thereof. Where no representative of the legal person may be present, the search and seizure shall be carried out in the presence of a representative of the municipality or mayoralty.

(5) Searches and seizures in premises of foreign missions and of missions of international organizations or in dwellings of their employees who enjoy immunity with respect to the criminal jurisdiction of the Republic of Bulgaria, shall be conducted with the consent of the head of mission and in the presence of a prosecutor and a representative of the Ministry of Foreign Affairs.

(6) Where searches and seizures concern computerized information systems and software applications, these shall be conducted in presence of an expert- technical assistant.

Conducting searches and seizures

Article 163

(1) Searches and seizures shall be performed in daytime, except where they can suffer no delay.

(2) Before proceeding with a search and seizure, the respective body shall submit the authorisation therefore, and shall ask the objects, papers, and computerized information systems containing computerized data sought to be shown to him/her.

(3) The body performing the search shall have the right to forbid those present to contact other persons or each other, as well as to leave the premises until completion of the search.

(4) No actions may be undertaken during searches and seizures, which are not necessitated by their purposes. Premises and storerooms shall only be forcefully opened in the case of refusal to be opened, unnecessary damage being avoided.

(5) Where in the course of searches and seizures circumstances of the intimate life of citizens are revealed, measures shall be taken as necessary so that they are not be made public.

(6) The objects, papers and computerized information systems containing computerized data seized shall be shown to the certifying witnesses and the other attending persons. Where necessary, these shall be wrapped and sealed at the location where they had been seized.

(7) Seizure of computerized data shall be operated through record on paper or another carrier. In case of a paper carrier, each page shall be signed by the persons under Article 132, Paragraph 1. In other cases the carrier shall be sealed with a note stating: the case, the body performing the seizure, the location, date, and names of all individuals present under Article 132, Paragraph 1 who shall sign it.

(8) Carriers prepared in pursuance of Paragraph 7 will only be unsealed with the authorisation of the prosecutor for the needs of the investigation, which shall be carried out in presence of certifying witnesses and an expert- technical assistant. In court proceedings carriers shall be unsealed upon decision of the court by an expert technical assistant.

Search of a person

Article 164

(1) The search of a person in pre-trial proceedings without authorisation by a judge from the respective first instance court or a judge from the first-instance court in the area of which the action is taken shall be allowed:

1. at detention;

2. should there be sufficient grounds to believe that persons who are present at the search have concealed objects or papers of significance to the case.

(2) The search of a person shall be performed by an individual of the same gender in the presence of certifying witnesses of the same gender.

(3) The record of the performed investigative action shall be submitted for approval to the judge forthwith, but not later than 24 hours thereafter.

Interception and seizure of correspondence

Article 165

(1) Interception and seizure of correspondence shall be allowed only where this is necessary for disclosure or prevention of serious crime.

(2) Interception and seizure of correspondence in pre-trial proceedings shall be performed upon request of the prosecutor with the authorisation of a judge from the respective first instance court or a judge from the court in the area of which the action is taken.

(3) (New, SG No. 42/2015) In urgent cases, when this is the only option to collect and preserve evidence in investigating crimes under Article 108a and Article 354a of the Criminal Code, the pre-trial authorities may intercept undelivered correspondence without the authorisation under paragraph 2. The supervising prosecutor shall - promptly, but no later than 24 hours - submit the records of the executed action to a judge of the responsible court, together with a reasoned written request for seizure of the intercepted correspondence. The seizure shall be effected on the basis of a reasoned written authorisation of the judge who shall issue a ruling promptly, but no later than 24 hours. If rejecting the seizure, the judge shall also rule on the intercepted correspondence.

(4) (Renumbered from Paragraph 3, SG No. 42/2015) In court proceedings search and seizure of correspondence shall be performed by a decision of the court which is trying the case.

(5) (Renumbered from Paragraph 4, SG No. 42/2015) The interception and seizure of correspondence shall be carried out in pursuance of Article 162, Paragraphs 1 - 4.

(6) (Renumbered from Paragraph 5, amended, SG No. 42/2015) The provisions of paragraphs 1, 2, 4 and 5 shall also apply to searches and seizures of electronic mail.

Section VI
Re-enactment of crime

Purpose of the re-enactment of crime

Article 166

The court and the bodies of pre-trial proceedings may perform re-enactment of the crime, in order to check and elucidate data, obtained from the interrogation of the accused, the witnesses, or from another investigative actions or judicial trial action.

Conditions for the admission of a re-enactment of crime

Article 167

The re-enactment of crime shall be allowed provided the dignity of the participating persons shall not be offended, and provided their health shall not be exposed to any danger.

Procedure for conducting a re-enactment of the crime

Article 168

(1) The re-enactment of crime shall be carried out in the presence of certifying witnesses, except where it is carried out at a court hearing.

(2) Where necessary, the re-enactment of crime shall also be attended by an expert or specialist - technical assistant.

Section VII
Identification of persons and objects

Legal grounds and purpose of the identification
Article 169

(1) Identification shall be performed where, in order to elucidate the circumstances of the case, it is necessary to confirm the identity of persons and objects.

(2) Pre-trial bodies and during court proceedings - the court trying the case shall propose to the accused party or the witness to identify certain persons or objects.

Interrogation prior to the identification
Article 170

Immediately prior to the identification, the accused party and the witnesses shall be interrogated whether they know the person or the object they are to identify; about the peculiarities by which they may be identified; about the circumstances under which the have observed the persons or objects; as well as about their status at the time they have apprehended the person or object to be identified.

Procedure for identification
Article 171

(1) The identification shall be effected in the presence of certifying witnesses, except where it takes place at a court hearing.

(2) A person shall be presented for identification together with three or more persons, similar in appearance to that person and measures shall be taken to avoid direct contact of that person with the identifying person.

(3) Based on a decision of the body carrying out the identification, it may be so conducted that the identifying person will avoid direct contact with the identified person. A witness with a secret identity may only take part in an identification as an identifying person.

(4)Where it is not possible to present the real person, a photograph thereof shall be shown, together with photographs of three or more persons, similar in appearance.

(5) Objects shall be presented for identification together with the objects of the same kind.

(6) Where several accused parties or witnesses have to proceed with the identification of persons or objects, they shall be shown separately to each of the identifying persons, measures being taken for the identifying persons not to make direct contact with each other. A simultaneous identification by several individuals shall be inadmissible.

(7) The accused or the witness shall be asked to point out the person or object referred to in their explanations or testimonies, and to explain how they identified them.

(8) (New, SG No. 98/2020) In the cases under Paragraph 4 and 5, the identification can also be performed by videoconference.

Section VIII
Special intelligence means

Material objective forms of evidence prepared with the use of special intelligence means
Article 172

(1) Pre-trial bodies may use the following special intelligence means: technical means - electronic and mechanical devices and substances that serve to document operations of the controlled persons and sites, as well as operational techniques - observation, interception, shadowing, penetration, marking and verification of correspondence and computerised information, controlled delivery, trusted transaction and investigation through an officer under cover.

(2) (Supplemented, SG No. 60/2011, SG No. 17/2013, amended, SG No. 42/2015, amended

and supplemented, SG No. 39/2016, effective 26.05.2016) Special intelligence means shall be used where this is required for the investigation of serious criminal offences of intent under Chapter one, Chapter two, Sections I, II, IV, V, VIII, and IX, Chapter three, Section III, Chapter five, Sections I – VII, Chapter six, Section II – IV, Chapter eight, Chapter eight "a", Chapter nine "a", Chapter eleven, Sections I – IV, Chapter twelve, Chapter thirteen, and Chapter fourteen, as well as with regard to criminal offences under Article 219, Paragraph 4, proposal 2, Article 220, Paragraph 2, Article 253, Article 308, Paragraphs 2, 3, and 5, sentence two, Article 321, Article 321a, Article 356k and 393 of the Special Part of the Criminal Code, where the irrelevant circumstances cannot be established in any other way or this would be accompanied by exceptional difficulties.

(3) Computer information service providers shall be under the obligation to provide assistance to the court and pre-trial authorities in the collection and recording of computerized data through the use of special technical devices only where this is required for the purposes of detecting crimes under paragraph 2.

(4) The special intelligence means of controlled delivery and trusted transaction may be used to collect material evidence, whereas under cover officers shall be interrogated as witnesses.

(5) The materials under paragraphs 1 - 4 shall be enclosed with the case file.

Request for use of special intelligence means

Article 173

(1) (Amended, SG No. 109/2008, supplemented, SG No. 70/2013, effective 9.08.2013) A written reasoned request for the use of special intelligence means in pretrial proceedings shall be filed with the court by the supervising prosecutor. Prior to submitting the request the supervising prosecutor shall notify the administrative head of the respective prosecutor's office.

(2) The request must set out:

1. Information about the criminal offence for the investigation of which the use of special intelligence means is required;

2. A description of the action taken so far and its outcomes;

3. Information about the persons or sites in respect to which special intelligence means are to be applied;

4. Operational techniques to be applied;

5. (amended, SG No. 70/2013, effective 9.08.2013) The requested period of use and motives, substantiating its duration;

6. (new, SG No. 70/2013, effective 9.08.2013) motives concerning the impossibility to collect the data required in other ways or description of the exceptional difficulties that the collection thereof would entail.

(3) (Amended, SG No. 32/2010, effective 28.05.2010, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011; amended, SG No. 32/2022, effective 27.07.2022) Where the request is for investigation through an undercover officer, the head of the unit which conducts the investigation, or a person authorised by the latter under Article 174(1) and (2), shall furnish a written declaration by the officer stating that he/she has been informed of his duties and the objectives of the specific investigation. The declaration shall be submitted to the authority referred to in Article 174(1) and (2), which shall keep it. Rather than disclosing the officer’s identity, the declaration shall refer to the officer’s personal identification number given by the unit which conducts the investigation through an undercover officer.

(4) (Amended, SG No. 109/2008) In urgent cases where this is the only possible way to conduct investigation, an undercover officer may also be used following an order of the supervising prosecutor. The activity of the undercover officer shall terminate where, within 24 hours, no authorisation is given by the respective court, which shall also rule with respect to the storage or destruction of the information collected.

(5) (New, SG No. 42/2015) Special intelligence means may also be used in respect of a witness in criminal proceedings, who has consented to it, in order to ascertain criminal activities

of other persons under Article 108a, Articles 143 - 143a, Articles 159a - 159d, Articles 301 - 305, and Article 321 of the Criminal Code.

(6) (Renumbered from Paragraph 5, amended, SG No. 42/2015) In cases under paragraph 5, as well as under Article 123(7), the written consent from the person in respect of whom special intelligence means are to be used shall also be enclosed with the request.

Authorisation to use special intelligence means

Article 174

(1) (Amended, SG No. 70/2013, effective 9.08.2013) The authorisation for use of special intelligence means shall be given in advance by the Chairperson of the respective District Court or by a Deputy Chairperson explicitly authorized thereby.

(2) (Amended, SG No. 42/2015) The authorisation for use of special intelligence means in cases falling within the jurisdiction of a military court shall be given in advance by the Chairperson of the respective military court or by a Deputy Chairperson explicitly authorised thereby.

(3) (New, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, repealed, SG No. 32/2022, effective 27.07.2022).

(4) (Renumbered from (3), amended, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, SG No. 70/2013, effective 9.08.2013, SG No. 32/2022, effective 27.07.2022) The body under Paragraphs (1) and (2) shall issue a written reasoned ruling and prior to issuing it may request to be provided with all materials of the investigation, relevant to the information, contained in the request.

(5) (Amended, SG No. 109/2008, renumbered from (4), SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, SG No. 42/2015, supplemented, SG No. 81/2016, effective 14.10.2016, amended and supplemented, SG No. 63/2017, effective 5.11.2017, amended, SG No. 32/2022, effective 27.07.2022) If a case falls with the jurisdiction of Sofia City Court, the authorisation to use special intelligence means in respect crimes committed by magistrates, prosecutors and investigators shall be given in advance with regard to all participants, including individuals and witnesses under Article 12, Paragraphs (2) and (3) of the Special Intelligence Means Act, by the Chairperson of Sofia Court of Appeal or by a Deputy Chairperson explicitly authorised by the Chairperson, at the request of the administrative head of Sofia Prosecutor's Office of Appeal or a deputy authorised thereby. In all other cases, the authorisation shall be given by the Chairperson of the Military Court of Appeal or by his/her authorised deputy, at the request of the administrative head of the military appellate prosecutor's office or by his/her authorised deputy.

(6) (New, SG No. 42/2015, amended and supplemented, SG No. 63/2017, effective 5.11.2017, amended, SG No. 32/2022, effective 27.07.2022) The authorisation to use special intelligence means in respect crimes committed by a chairperson of the Sofia Court of Appeal, the Military Court of Appeal and his/her deputy shall be given in advance with regard to all participants, including individuals and witnesses under Article 12(2) and (3) of the Special Intelligence Means Act, by the Deputy Chairperson of the Supreme Court of Cassation heading the Criminal College, at the request of a deputy of the Prosecutor General of the Supreme Prosecutor's Office of Cassation.

(7) (Amended, SG No. 32/2010, effective 28.05.2010, renumbered from Paragraph (5), amended, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, renumbered from Paragraph (6), SG No. 42/2015, amended, SG No. 32/2022, effective 27.07.2022) An order for investigation through an undercover officer must specify the criminal offence in respect of which investigation is authorised, as well as the officer's identification number given by the authority under Paragraphs (1) and (2).

(8) (Renumbered from Paragraph (6), amended, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, renumbered from Paragraph (7), SG No. 42/2015, amended, SG No. 32/2022, effective 27.07.2022) A special register shall be kept in the respective court for the requests made and the authorisations issued under Paragraphs (1) and (2), which shall not be

public.

Procedure and term for the application of special intelligence means for the needs of criminal proceedings

Article 175

(1) (Amended, SG No. 109/2008, SG No. 70/2013, effective 9.08.2013, amended and supplemented, SG No. 14/2015) The special intelligence means shall be applied by the relevant structures of the State Agency for Technical Operations, the State Agency for National Security or of the Ministry of Interior, as per the procedure of the Special Intelligence Means Act.

(2) (Amended and supplemented, SG No. 109/2008, SG No. 70/2013, effective 9.08.2013, amended and supplemented, SG No. 14/2015) The Chairperson of the State Agency for Technical Operations or a Deputy Chairperson authorized by the Chairperson in writing, or the Head of the State Agency for National Security or a Deputy Head authorized thereby in writing or respectively the Chief Secretary of the Ministry of Interior, shall issue a written order for the application of special intelligence means by the structures under paragraph (1), on the grounds of the authorisation referred to in Article 174.

(3) (Amended, SG No. 74/2015) The term for implementing special intelligence means shall be:

1. up to twenty days in the cases under Article 12, paragraph (1), item 4 of the Special Intelligence Means Act;

2. up to two months in the remaining cases.

(4) (Supplemented, SG No. 70/2013, effective 9.08.2013, amended, SG No. 74/2015) Should it be required the term under paragraph (1) may be prolonged under the procedure of Article 174:

1. up to twenty days but for not more than a total of sixty days in the cases under Paragraph (3), item 1;

2. for not longer than a total of six months in the cases under Paragraph (3), item 2.

(5) (New, SG No. 74/2015) In the cases under paragraph (4) the request for extension of the term shall contain also a full and exhaustive indication of the results obtained from the use of the special intelligence means.

(6) (Renumered from Paragraph 5, SG No. 74/2015) The application of special intelligence means shall be discontinued when:

1. the objective that has been set, is achieved;

2. the use of such means bears no results;

3. the term for their use has expired;

4. (new, SG No. 109/2008) the operational techniques face the threat of detection;

5. (new, SG No. 109/2008) it is no longer possible to apply the special intelligence means;

6. (new, SG No. 109/2008) a life or health threat occurs with regard to the undercover operative or his/her relatives in ascending or descending line, brothers, sisters, spouse, or any other person of particularly close relation, where the threat stems from the operative's assignments.

(7) (Amended, SG No. 109/2008, renumbered from Paragraph 6, SG No. 74/2015) In the event of discontinuing the use of special intelligence means, the body that has issued the authorisation should be notified immediately, in writing. Where the collected information is not used for the purpose of preparing material objective forms of evidence, the aforementioned body shall order the destruction of the information collected.

Preparation of material objective forms of evidence obtained through the use of special intelligence means

Article 176

(1) (Amended, SG No. 109/2008, redesignated from Article 176, amended, SG No. 32/2010, effective 28.05.2010) When using special intelligence means, material objective forms of evidence shall be prepared in two copies and within 24 hours of their preparation they shall be

sealed and sent to the prosecutor who has requested the authorisation, or the court which has given it, respectively.

(2) (New, SG No. 32/2010, effective 28.05.2010) In cases within the scope of Article 177(3), where necessary for the criminal proceeding purposes, when using special intelligence means the prosecutor who has requested the authorisation may order that the material objective forms of evidence be prepared in more than two copies. Within 24 hours following the preparation of the relevant material objective forms of evidence, a copy thereof shall be sent, in a sealed envelope, to the court that has given the authorisation, and the other copies shall be forwarded to the prosecutor to enclose them with the respective criminal files.

Probative force of data obtained through the use of special intelligence means

Article 177

(1) (Amended, SG No. 32/2010, effective 28.05.2010) The indictment and the sentence may not be based only on data from special intelligence means.

(2) No results obtained outside the request made under Article 173 can be used in criminal proceedings, unless they contain information about another serious intentional criminal offence under Article 172(2).

(3) (New, SG No. 32/2010, effective 28.05.2010) In order to prove a serious intentional criminal offence under Article 172(2), it shall be admissible to refer to information obtained while using special intelligence means in other criminal proceedings, or upon the request of an authority under Article 13(1) of the Special Intelligence Means Act.

Chapter fifteen
SERVING OF SUMMONSES, SUBPOENAS AND PAPERS. TERMS AND COSTS

Section I
SERVING OF SUMMONSES, SUBPOENAS AND PAPERS

Bodies and persons through whom summonses, subpoenas and papers shall be served

Article 178

(1) Summonses, subpoenas and papers shall be served by officials with the respective court, the pre-trial authorities, municipality or mayor's offices.

(2) Where service cannot be implemented pursuant to the paragraph (1), it shall be effected through the services of the Ministry of the Interior or of the Ministry of Justice.

(3) Serving on servicemen shall be effected through the respective unit or military institution.

(4) Service on employees and workers may be effected through the employer or officer thereof entrusted with receiving papers.

(5) Service on minors shall be effected through their legal representatives.

(6) Service on persons deprived of liberty and on those remanded in custody shall be effected through the respective institutions.

(7) Service on natural and legal persons, as well as on institutions located abroad shall be effected in compliance with the legal assistance agreement with the respective country, and where there is no such agreement - through the Ministry of Foreign Affairs.

(8) (New, SG No. 110/2020, effective 30.06.2021) Summonses, subpoenas and papers to the accused party and the defence counsel in the trial phase may be served electronically with their consent, when they have indicated e-mail addresses. The consent may be withdrawn at any time.

(9) (New, SG No. 110/2020, effective 30.06.2021) Summonses, subpoenas and papers in the trial phase to a victim, prejudiced legal person, private complainant, private prosecutor, civil claimant, civil respondent and their counsels, as well as to a witness, expert, translator, interpreter or specialist - technical assistant, may be served electronically with their consent if they have indicated an e-mail address. The consent may be withdrawn at any time.

(10) (New, SG No. 110/2020, effective 30.06.2021) At the discretion of the authority, summons, subpoenas and papers may also be served at a specified e-mail address, when the service in the court proceedings cannot be carried out under the procedure of Paragraphs 1 - 7.

(11) (Amended, SG No. 32/2010, effective 28.05.2010, renumbered from Paragraph (8), SG No. 110/2020, effective 30.06.2021) In urgent cases summonsing may be effected by telephone, telex, or telefax. Summonsing by telephone or telefax shall be certified in writing by the officer who has carried it out, and by telex – with the written confirmation that the message has been received.

(12) (Supplemented, SG No. 32/2010, effective 28.05.2010, renumbered from Paragraph (9), SG No. 110/2020, effective 30.06.2021) The presence of witnesses under Article 141 shall be ensured by the prosecutor, and the presence of witnesses under Article 141a shall be ensured by the head of the unit which conducts the investigation through an undercover officer or a person authorised by the latter.

Content of summonses and subpoenas

Article 179

(1) The following shall be indicated in the summons: name of the issuing institution, case file number and year of its institution; name and address of the person summonsed; capacity in which such person is summonsed; location, date and time for which the person is summonsed and the consequences of non-appearance.

(2) The summons that is sent to the accused party shall read his/her right to appear with a defence counsel.

(3) The summons that is sent to the private complainant or the persons who may be constituted as private prosecutor, civil claimant or respondent, shall read their right to appear with a counsel.

(4) The subpoena shall indicate the procedural action performed or such that the person should perform.

(5) Summonses and subpoenas shall be signed by the appropriate official.

Serving of summonses, subpoenas and papers

Article 180

(1) Summonses, subpoenas and papers shall be served against receipt signed by the person for whom they are intended.

(2) Where the person is absent, they shall be served on an adult member of the person's family, and if there is no adult member of the family - on the house steward or janitor, as well as on a room-mate or neighbour, where the latter assume the obligation to deliver them.

(3) Where summonses, subpoenas, and papers are addressed to the attention of the accused party, a private prosecutor, a private complainant, the plaintiff or respondent, who is absent and their service on individuals under paragraph 2 is impossible, service may be effected upon their counsel or lawyer, should the latter agree to receive them.

(4) If the recipient or person under Paragraphs 2 and 3 cannot sign or refuses to sign, the serving person shall make a note thereof in the presence of at least one person who shall sign.

(5) Service on an institution or a legal person shall be effected against signature of the official charged with the reception of papers.

(6) The person through whom service is effected shall sign a receipt with the obligation to deliver the summons, subpoena or papers to the person they are intended for.

(7) The serving person shall note on the receipt the name and address of the person through

whom service is effected and his/her relation to the person on whom the summons, subpoena or papers have to be served.

(8) (New, SG No. 110/2020, effective 30.06.2021) A notice containing information for downloading the summon, the subpoena or the papers from the information system for secure service or from the unified e-justice portal shall be sent to the e-mail address indicated by the person. Service by e-mail for service in the unified e-justice portal shall be certified by a copy of the electronic record of the information system of the portal, sealed with a qualified electronic time seal of the court and certified the exact time of each action in the system by electronic qualified time seal under Regulation (EU) 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257/73 of 28 August 2014). In case of service through a qualified service for electronic registered mail - with the electronic records for service, created by the qualified provider of certification services. They shall be considered served upon the downloading. Confirmation of the receipt is not required. The electronic identification of the person shall be performed in accordance with the procedure specified in the Judicial System Act.

(9) (New, SG No. 110/2020, effective 30.06.2021) In case the party has not downloaded the subpoena within seven days of its sending, the service shall be carried out in accordance with the general procedure.

(10) (New, SG No. 110/2020, effective 30.06.2021) The service to an e-mail address shall be certified by a copy of the electronic record thereof. The person is obliged to send a confirmation to the e-mail address of the sending authority within seven days from sending the e-mail with attached summon, subpoena or papers. When the person does not send a confirmation, the service shall be carried out in accordance with the general procedure.

(11) (New, SG No. 110/2020, effective 30.06.2021) Service by e-mail shall be considered as personal service.

Receipt for effected service

Article 181

(1) The official who has effected the service, shall return a receipt in due course and it shall be enclosed with the case file.

(2) The following shall be indicated in the receipt: the date of service and the name and position of the person who has effected the service.

Responsibility for non-fulfilment of duties related to service

Article 182

(1) Officials who fail to discharge their duties related to service shall be punished by fine of up to BGN five hundred.

(2) The same punishment shall also be imposed on persons under Article 180, Paragraphs (2), (3) and (5), who fail to fulfil their duties related to service.

(3) (New, SG No. 63/2017, effective 5.11.2017) Where the fine is imposed by a body entrusted with pre-trial proceedings, the ruling shall be appealed against before the corresponding court of first instance within three days of the notice of its imposition The court shall immediately issue, in a closed session, a ruling which shall be definitive.

(4) (New, SG No. 63/2017, effective 5.11.2017) The court ruling whereby the court refuses to repeal a fine under Paragraphs (1) and (2) shall be subject to appeal in accordance with the procedure established by chapter twenty-two.

Section II
Terms

Calculation of terms
Article 183

(1) Terms shall be calculated in days, weeks, months and years.
(2) A term calculated in days shall start running on the following day and shall expire at the end of the last day.
(3) A term calculated in weeks and months shall expire on the respective day of the last week or on the respective date of the last month. Where the last month has no respective date, the term shall expire on the last day of such month.
(4) Where the last day of the month is a holiday, the term shall expire on the first forthcoming business day.

Observance of term
Article 184

A term shall be considered as observed provided until expiry the application, complaint, appeal or other papers have been received by the respective body, the post office, another court, the prosecution office or an investigative body, the institution where the person is serving a punishment or has been remanded in custody, the unit in which a serviceman is doing his military service or the diplomatic or consular mission, if the person is abroad.

Extension of the term
Article 185

(1) The term set by the court or by the pre-trial authorities may be extended, provided there are good reasons therefore and the request has been filed prior to its expiry.
(2) If the term under Paragraph (1) has been missed due to valid reasons, the respective body may set a new term.

Restoration of a term
Article 186

(1) The term set by law may be restored, provided it has been missed for valid reasons.
(2) Applications for restoration of term shall be filed with the court or the body of pre-trial proceedings within seven days following the date on which the reasons for missing the term have ceased to be effective.
(3) Concurrently with filing an application for the restoration of a term, the action the term for which has been missed shall also be performed.
(4) Upon request of the interested party, the implementation of the action the term for which has been missed, may be stayed.
(5) An application for the restoration of a term shall be examined within seven days following receipt.
(6) The restoration of a term by the court shall be decided at a court hearing to which the parties shall be summonsed.

Section III
Costs and remunerations

Covering costs
Article 187

(1) Costs for criminal proceedings shall be covered from amounts specified in the budget of the respective institution, except in cases specified by law.
(2) In cases of crime actioned on the basis of a complaint by the victim filed with the court, costs shall be deposited in advance by the private complainant, and if they are not deposited, the

private complainant shall be given a term of seven days to deposit them.

(3) In cases actioned by complaint of the victim filed with the court, costs in relation to the evidentiary claims made by the defendant in court shall be covered by the court's budget.

Determination of costs

Article 188

(1) The amount of costs shall be determined by the court or the body of pre-trial proceedings.

(2) (Supplemented, SG No. 63/2017, effective 5.11.2017) The remuneration of witnesses – workers or employees, shall be determined by the court or by the body entrusted with pre-trial proceedings.

Decision on costs

Article 189

(1) The court shall decide on the issue of costs with the sentence or with a ruling.

(2) Costs for translation during pre-trial proceedings shall be at the expense of the respective body, and those during court proceedings shall be at the expense of the court.

(3) Where the accused party is found guilty, the court shall sentence him/her to pay the costs for the trial including attorney fees and other expenses for the defence counsel appointed ex officio, as well as the expenses incurred by the private prosecutor and the civil claimant, where the latter have made a request to this effect. In presence of several sentenced persons, the court shall apportion the costs payable by each of them.

(4) Where the accused party is found not guilty on some charges, the court shall sentence the accused to pay only the costs incurred in connection with the charge under which he/she has been found guilty.

Award of costs

Article 190

(1) Where the accused party is acquitted or criminal proceedings are terminated, all costs in publicly actionable cases shall remain at the expense of the state, and those in cases actionable following a complaint of the victim shall be at the expense of the private complainant.

(2) For the costs awarded a writ of execution shall be issued by the first instance court.

PART THREE
PRE-TRIAL PROCEEDINGS

Chapter sixteen
GENERAL PROVISIONS

Cases in which pre-trial proceedings shall be carried out

Article 191

Pre-trial proceedings shall be carried out in publicly actionable criminal cases.

Stages in pre-trial proceedings;

Article 192

Pre-trial proceedings shall comprise the investigation and action taken by the prosecutor following completion of the investigation.

Pre-trial authorities

Article 193

The prosecutor and the investigative bodies shall be the pre-trial authorities.

Distribution of cases during pre-trial proceedings among the investigative bodies

Article 194

(1) Investigation shall be conducted by investigators in cases of:

1. (amended, SG No. 33/2011, effective 27.05.2011, supplemented, SG No. 42/2015) publicly actionable criminal offences under Articles 95 - 110, Article 123, Article 212(5), Articles 286 - 289, Article 295, Article 299, Article 334(2), Article 335(2), Article 341a, Article 341b, Article 342(3) read in conjunction with the first, second and fourth proposals of Article 342(1), Article 343(3) read in conjunction with the first, second and fourth proposals of Article 342(1), Article 349a, Article 353c, Articles 356d - 356k, 357 - 360 and Articles 407 - 419a Criminal Code;

1a. (new, SG No. 42/2015) for serious intentional criminal offences under Chapter Two, Sections I, IV, V, and VIII of the Special Part of the Criminal Code committed by minors;

2. (supplemented, SG No. 109/2007, SG No. 93/2011, effective 1.01.2012, amended, SG No. 42/2015, supplemented, SG No. 7/2018) criminal offences committed by magistrates, prosecutors, investigators, other individuals enjoying immunity, members of the Council of Ministers, or civil servants under Article 142(1)(1) of the Ministry of Interior Act or under Article 43(1)(1) of the State Agency for National Security Act, as well as by officials of the Customs Agency in their capacity of investigating authorities and by the authorities referred to in Article 16 (2) of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act;

2a. (new, SG No. 7/2018) criminal offences under Articles 201 to 205, 212, 212a, 219, 220, 224, 225b, 226, 250, 251, 253 to 253b, 254a, 254b, 256, 282 to 283a, 285, 287 to 289, 294, 295, 299, 301 to 307, 310, 311 and 313 of the Criminal Code, committed by senior public office holders, according to the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Act;

3. criminal offences committed abroad;

4. (new, SG No. 32/2010, effective 28.05.2010) of factual and legal complexity which were assigned to the investigators by the administrative head of the relevant district prosecutor's office.

(2) (New, SG No. 42/2015) The investigation of cases for criminal offences under Article 334(2), Article 335(2), Article 341a, Article 341b, Article 342(3) read in conjunction with the first, second and fourth proposals of Article 342(1), Article 343(3) read in conjunction with the first, second and fourth proposals of Article 342(1), Article 349a, Article 353c, and Articles 356d - 356k of the Criminal Code shall be conducted by an investigator of the National Investigation Service. The Prosecutor General (or a deputy authorised by the Prosecutor General) may order that other cases under paragraph 1 be also investigated by an investigator of the National Investigation Service.

(3) (Amended, SG No. 69/2008, supplemented, SG No. 93/2011, effective 1.01.2012, renumbered from Paragraph 2, SG No. 42/2015, supplemented, SG No. 60/2015) In cases other than those specified in Paragraph 1, investigation shall be carried out by investigating police officers; in respect of crimes under Articles 234, 242, 242a, and 251 of the Criminal Code and under Article 255 of the Criminal Code in regard to liabilities for VAT on imports and excise duties, investigation may also be conducted by investigating customs inspectors, unless an official of the Customs Authority was involved in the crime.

(4) (New, SG No. 32/2010, effective 28.05.2010, renumbered from Paragraph 3, SG No. 42/2015) Police authorities at the Ministry of Interior may undertake the activities under Article 212(2), as well as investigation related activities assigned by a prosecutor or an investigating police officer.

(5) (New, SG No. 93/2011, effective 1.01.2012, renumbered from Paragraph 4, SG No. 42/2015, supplemented, SG No. 60/2015) Customs authorities may undertake actions under Article 212(2) in cases of crimes under Articles 234, 242, 242a, and 251 of the Penal Code and under Article 255 of the Penal Code in regard to liabilities for VAT on imports and excise duties, as well as investigation related actions that have been assigned to them by a prosecutor, an investigator or investigating customs inspector.

(6) (New, SG No. 16/2021; declared unconstitutional by Decision No. 7 of the Constitutional Court of the Republic of Bulgaria - SG No. 41/2021)

The investigation of criminal offences committed by the Prosecutor General or his deputy shall be conducted by the prosecutor investigating the Prosecutor General or his deputy.

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(7) (New, SG No. 16/2021, repealed, SG No. 32/2022, effective 27.07.2022).

Article 194a

(New, SG No. 109/2007, amended, SG No. 109/2008, repealed, SG No. 32/2010, effective 28.05.2010, new, SG No. 52/2013, effective 14.06.2013, repealed, SG No. 14/2015, new, SG No. 32/2022, effective 27.07.2022) (1) The European prosecutor, the European delegated prosecutor and the investigating bodies shall be the pre-trial authorities in cases within the jurisdiction of the European Public Prosecutor's Office tried by the Sofia City Court.

(2) The investigating bodies responsible for cases falling within the jurisdiction of the European Public Prosecutor's Office shall include: investigators in the National Investigation Service; investigating officers appointed by an order of the Minister of Interior; and investigating customs inspectors appointed by an order of the Minister of Finance at the proposal of the director of the Customs Agency.

Area in which pre-trial proceedings are carried out

Article 195

(1) Pre-trial proceedings shall be carried out in the area corresponding to the area of the court competent to try the case.

(2) Pre-trial proceedings may be carried out in the area where the crime was discovered or at the location of the domicile of the accused party, or at the domiciles of most of the accused parties or most of the witnesses is located, where:

1. the accused party has been constituted in this particular capacity on account of several offences committed in the areas of different courts;

2. this is necessitated with a view to securing expeditiousness, objectivity, comprehensiveness and completeness of the investigation.

(3) Issues under the Paragraph 2 shall be decided by the prosecutor in the area where pre-trial proceedings were initiated. Until pronouncement of the public prosecutor, only investigative actions which may suffer no delay shall be performed.

(4) (New, SG No. 63/2017, effective 5.11.2017) In the cases specified in Article 43, Item 2 or where all prosecutors of the corresponding Prosecutor's Office have been recused, the Prosecutor General or a deputy authorised thereby shall decide to refer the pre-trial proceedings to another prosecutor's office of equal standing.

(5) (Renumbered from Paragraph (4), SG No. 63/2017, effective 5.11.2017) Outside the cases under paragraph (2), following authorisation of the Prosecutor General pre-trial proceedings may also be carried out in another area with a view to completer investigation of the offence.

Guidance and supervision of the prosecutor over the investigation

Article 196

(1) When exercising guidance and supervision, the prosecutor may:

1. constantly control the progress of investigation, studying and inspecting all case materials;

2. give instructions in relation to the investigation;

3. take part or perform investigative actions;

4. remove the investigative body, where he has committed a violation of the law or is not capable of ensuring the correct conduct of the investigation;

5. withdraw a case from an investigative body and transfer it to another;

6. (supplemented, SG No. 109/2008, amended and supplemented, SG No. 93/2011, effective 1.01.2012, supplemented, SG No. 7/2018) assign the implementation of individual actions related to the detection of the crime to the relevant bodies of the Ministry of Interior, of the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission, the State Agency for National Security, or the Customs Agency;

7. revoke on his own motion or on the basis of a complaint by the interested individuals decrees of investigative bodies.

(2) Apart from Paragraph 1 powers, the supervising prosecutor shall directly monitor the lawfulness of the investigation and its completion within the set period.

Binding instructions of the prosecutor

Article 197

Written instructions of the prosecutor to the investigative body shall be binding and shall not be subject to objections.

Publicity of investigation material. Judicial review

Article 198

(1) Investigation materials may not be made public without authorisation by the prosecutor. The prosecutor may not authorize the disclosure of information gathered through the use of special intelligence means beyond its purpose of protecting national security or for the purposes of criminal proceedings.

(2) Should it be necessary, the pre-trial body shall warn, against signature, the persons attending at investigative actions that they may not make public, without authorisation, any case materials, and that otherwise they shall be held responsible pursuant to Article 360 of the Criminal Code.

"(3) Representatives of the mass media and of non-profit legal entities registered for activities in the public interest shall have the right of access to the decisions of the prosecutor to refuse to initiate pre-trial proceedings, to suspend and terminate criminal proceedings, unless the decisions contain classified information or other protected secrets in the cases provided for by law, or the access affects the interests of a third party and the third party has explicitly refused to provide the requested public information and there is no overriding public interest".

(4) The request under paragraph 3 shall be made in writing to the supervising prosecutor, who shall rule within seven days. The refusal to grant access to information shall be subject to appeal by the persons referred to in paragraph 3 before the relevant court of first instance within seven days of notification.

(5) The appeal shall be examined by the court in a single judge formation in private deliberation within seven days of its receipt and the court shall adjudicate on the reasonableness and legality of the refusal by a ruling, which shall be final.

(6) Where a pre-trial authority discloses investigative material in violation of the presumption of innocence or makes a public statement in which an accused person is presented as guilty, the accused person may request in writing that a judge of the relevant court of first instance establish the violation.

(7) The request under paragraph 6 shall be lodged within seven days of the day on which the accused person became aware of the violation.

(8) The court shall adjudicate within seven days in private deliberation by a ruling which shall be final.

Acts of the bodies entrusted with pre-trial proceedings

Article 199

(1) In pre-trial proceedings the prosecutor and the investigative bodies shall make pronouncement by decrees.

(2) Each decree shall comprise: information about the time and place of its issuance, the issuing body, the case in which it is issued; reasons; operative part and signature of the issuing body.

Appeal process against decrees

Article 200

(Supplemented, SG No. 103/2020, SG No. 16/2021) Decrees of investigative bodies shall be appealed before the prosecutor. Decrees of the prosecutor, that are not subject to judicial review, with the exception of the decrees of the European Public Prosecutor and European Delegated Prosecutors, ~~as well as decrees of the prosecutor in the investigation against the Prosecutor General or his deputy,~~ shall be appealed before a prosecutor from a higher-standing prosecution office whose decree shall not be subject to further appeal.

Appeals against decrees

Article 201

(1) Appeals against decrees of pre-trial authorities may be oral or in writing. Appeals in writing must be signed by the appellant, and for oral appeals record shall be drawn up, which shall be signed by the appellant and by the person who receives it.

(2) Appeals shall be filed through the body which has issued the decree, or directly to the prosecutor competent to examine it. In the former case the appeals shall be forwarded immediately to the respective prosecutor accompanied with written observations.

Effect of appeals and term for pronouncement thereon

Article 202

(1) Appeals shall not stay the execution of the appealed decree, unless the respective prosecutor has ruled otherwise.

(2) The prosecutor shall be obligated to make a pronouncement on any appeal within three days following its receipt.

Duty to secure lawful and timely investigation

Article 203

(1) The investigative body shall take all measures to ensure the timely, lawful and successful completion of investigation.

(2) The investigative body shall be obligated within the shortest possible period to collect the necessary evidence required for the discovery of the objective truth, being guided by the law, his/her inner conviction and the instructions of the prosecutor.

(3) (New, SG No. 109/2008, amended, SG No. 32/2010, effective 28.05.2010) In case of jurisdiction change and in other cases where one investigative body under Article 52(1) is substituted by another, any investigation activities, as well as other procedural actions undertaken, shall retain their procedural value.

(4) (Renumbered from Paragraph 3, SG No. 109/2008) The investigative body shall report systematically to the prosecutor on the progress of investigation, discussing therewith the possible versions and all other matters of relevance to the lawful and successful completion of investigation.

(5) (Renumbered from Paragraph 4, SG No. 109/2008) The investigative body shall also take investigative and other procedural action during times where the case has been sent to court in relation to a measure of procedural coercion.

Cooperation by the public

Article 204

Pre-trial authorities shall widely use the assistance of the public in order to discover the criminal offence and to elucidate the circumstances of the case.

Obligation of the citizens and officials to notify
Article 205

(1) Where they come to know about a perpetrated publicly actionable criminal offence the citizens shall be publicly obligated to notify forthwith a pre-trial authority or another state body.

(2) Where they come to know about a perpetrated publicly actionable criminal offence the officials must notify forthwith the body of pre-trial proceedings and take the necessary measures for the preservation of the general setup and data about the crime.

(3) In cases under Paragraphs 1 and 2 pre-trial authorities shall immediately exercise their powers to institute criminal proceedings.

Investigation in the absence of the accused party
Article 206

(Supplemented, SG No. 32/2010, effective 28.05.2010)

The investigation may be carried out in the absence of the accused party pursuant to the provisions of Article 269, Paragraph 3, Items 1, 2 and 4, provided this will not hinder the discovery of the objective truth.

Chapter seventeen
INVESTIGATION

Section I
Institution of pre-trial proceedings and conduct of the investigation

Conditions for the institution of pre-trial proceedings
Article 207

(1) Pre-trial proceedings shall be instituted where there is a statutory occasion and sufficient information about the perpetration of a crime.

(2) In the hypotheses set out in the Special Part of the Criminal Code, publicly actionable proceedings shall be instituted upon the victim's private complaint addressed to the prosecution office and these shall not be susceptible of termination on grounds of Article 24, Paragraph 1, item 9.

(3) The complaint shall be required to contain information about the author and to be signed by him/her.

(4) No state fees shall be due at the moment the complaint is filed.

Statutory occasions
Article 208

The following shall be considered statutory occasions for the commencement of investigation:

1. a notice sent to the pre-trial authorities of the perpetration of a criminal offence;

2. information about a perpetrated criminal offence, distributed by the mass media;

3. appearance of the perpetrator in person before the pre-trial authorities with a confession about a perpetrated crime;

4. direct discovery by pre-trial authorities of signs of a perpetrated crime.

Notice of a perpetrated crime
Article 209

(1) The notice of a perpetrated crime must contain data about the person who is the author thereof. Anonymous notices shall not be statutory occasions for the commencement of investigation.

(2) (Amended, SG No. 110/2020, effective 30.06.2021) Notices may be oral or written. Written notices may be legal occasions for the commencement of investigation only where signed. They may also be sent electronically if they are signed with a qualified electronic signature in compliance with the requirements of the law. Oral notices shall be put down in a record to be signed by the individual making the statement and the body taking it.

(3) (New, SG No. 110/2020, effective 30.06.2021) With the notice the person can express his/her consent to be summoned and to receive notices at the e-mail address indicated by him/her.

Appearance of the perpetrator in person

Article 210

Where the perpetrator appears in person pre-trial authorities shall establish the identity of the person and shall draw up a record with detailed statement of the confession. The record shall be signed by the appearing person and the body before which confession was made.

Sufficient data for the institution of pre-trial proceedings

Article 211

(1) Sufficient data for institution of pre-trial proceedings shall be considered to be at hand, where a reasonable assumption can be made that a crime has been committed.

(2) No data shall be necessary, from which inferences can be made about the persons who have perpetrated a crime, or about the applicable criminal law in order to institute pre-trial proceedings.

Institution of pre-trial proceedings

Article 212

(1) Pre-trial proceedings shall be instituted by a decree of the prosecutor.

(2) (Amended, SG No. 32/2010, effective 28.05.2010) Pre-trial proceedings shall be considered instituted upon drafting the record for the first investigative action, where an on-site observation is conducted, including physical examination, search, seizure, and witness interrogation, provided their immediate performance is the only possible way to collect and preserve evidence, as well as where a search is conducted as per the conditions and procedures laid down in Article 164.

(3) The investigative body that has performed such action under Paragraph 2 shall immediately notify the prosecutor, and in any event shall do so no later than 24 hours thereof.

Refusal of the prosecutor to institute pre-trial proceedings

Article 213

(1) (Supplemented, SG No. 62/2016, effective 9.08.2016, SG No. 103/2020) The prosecutor may refuse to institute pre-trial proceedings, of which the victim or his/her heirs, the prejudiced legal person and the person who has given a notice, shall be notified. The decree shall be subject to appeal to the higher prosecutor's office, with the exception of the decree of the European Public Prosecutor and the European Delegated Prosecutor.

(2) A copy of the decree of the prosecutor from the higher Prosecutor's Office confirming the decree under the preceding paragraph shall be sent to the persons referred to in paragraph 1.

(3) The confirmed decree for refusal to initiate pre-trial proceedings for a serious crime within the meaning of Art. 93, item 7 of the Criminal Code shall be subject to appeal by the persons referred to in paragraph 1 before the relevant court of first instance within seven days of receipt of the copy.

(4) The court shall examine the case in a single judge formation in private deliberation no later than one month after the receipt of the materials on the file and shall adjudicate on the reasonableness and legality of the decree for refusal to initiate pre-trial proceedings by an ruling, which shall be final.

(5) In case of revocation of the decree for refusal under paragraph 1, the court shall return the file to the prosecutor with binding instructions on the application of the law.

(6) Confirmation of the decree by the court shall not preclude the institution of pre-trial proceedings if the prosecutor or a prosecutor from a higher prosecutor's office establishes new circumstances. ~~(Repealed, SG No. 62/2016, effective 9.08.2016).~~

Article 213a

(New, SG No. 16/2021, repealed, SG No. 32/2022, effective 27.07.2022).

Content of the decree for institution of pre-trial proceedings

Article 214

(1) (Amended, SG No. 32/2010, effective 28.05.2010) The following shall be indicated in the decree for institution of pre-trial proceedings: date and place of its issuance; the issuing body; statutory grounds and data on the basis of which pre-trial proceedings are initiated, and the investigative body which is to conduct the investigation.

(2) Where pre-trial proceedings are instituted in pursuance of the procedure under Article 212, Paragraph 2, in addition to the circumstances under Article 129, the record for the first investigative action shall also specify the statutory occasion and the data indicating that a criminal offence has been perpetrated.

(3) (New, SG No. 63/2017, effective 5.11.2017) The decree for institution of pre-trial proceedings under Paragraphs (1) and (2) shall not indicate the name of the person with regard to whom there is evidence that he/she has committed the crime.

Action in presence of an unknown perpetrator

Article 215

(1) (Supplemented, SG No. 93/2011, effective 1.01.2012, SG No. 7/2018) Where the perpetrator of a criminal offence is unknown, in addition to the investigative action, the prosecutor shall assign the respective bodies of the Ministry of Interior, the State Agency for National Security, the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission or the Customs Agency with establishing the identity of, and tracing down the perpetrator.

(2) (Amended, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 93/2011, effective 1.01.2012, SG No. 7/2018) In cases under Paragraph (1), where the respective bodies of the Ministry of Interior, the State Agency for National Security, the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission or the Customs Agency consider that they have collected data incriminating a certain individual in the perpetration of a crime, they shall deliver the materials collected to the investigative body and shall immediately notify the prosecutor.

Separation of the case

Article 216

(1) Where evidence is collected in the case of the involvement of more individuals, the prosecutor may take the materials concerning non-identified and non-located individuals in a separate case.

(2) Where evidence is collected in the case of several criminal offences committed by one and the same individual, the prosecutor may take materials concerning some of the offences in a separate case.

Joinder of cases

Article 217

(1) Where two or more cases for different criminal offences against different individuals have a certain relationship to each other, they shall be joined if so required for the proper discovery of the objective truth.

(2) The prosecutor may join two or more cases concerning different offences against one and the same accused party.

Preserving the value of procedural actions

Article 217a

(New, SG No. 63/2017, effective 5.11.2017) The procedural actions and the other investigative actions performed prior to the separation or joinder of cases shall maintain their procedural value within the separated or the joined case, as the case may be.

Procedural actions initiated by the European Public Prosecutor's Office

Article 217b

(New, SG No. 103/2020) All procedural actions performed by competent authorities of the European Public Prosecutor's Office in accordance with Regulation (EU) 2017/1939 have the procedural value of actions performed by a Bulgarian authority in the Republic of Bulgaria.

Assistance from other bodies

Article 218

(1) Where necessary, the investigative body may request from another investigative body to perform separate investigative actions.

(2) Should the investigative body so request, the bodies of the Ministry of Interior shall be obligated to assist him/her in carrying out separate investigative actions.

Constituting the accused party and presentation of the decree to this effect

Article 219

(1) Where sufficient evidence is collected for the guilt of a certain individual in the perpetration of a publicly actionable criminal offence, and none of the grounds for terminating criminal proceedings are present, the investigative body shall report to the prosecutor and issue a decree to constitute the person as accused party.

(2) (Amended, SG No. 32/2010, effective 28.05.2010) The investigative body may also constitute the accused party in this particular capacity upon drafting the record for the first investigative action against him/her, of which it shall report to the prosecutor. Where he/she finds that the grounds of Art. 219, paragraph 1 are not present, the prosecutor shall revoke the decree for bringing the person in as an accused.

(3) In the decree for constitution of the accused party and the record for actions under Paragraph 2 the following shall be indicated:

1. The date and location of issuance;

2. The issuing body;

3. The full name of the individual constituted as accused party, the offence on account of which he/she is constituted and its legal qualification;

4. Evidence on which such constitution is based, provided this will not obstruct the investigation;

5. The remand measure, if one is imposed;

6. The rights of the accused party under Article 55, including his/her right to decline to provide explanation, as well as the right to have authorised or appointed counsel.

(4) The investigative body shall present the decree for constitution to the accused party and his/her defence counsel, allowing them to gain knowledge of its full content and, where needed, giving additional explanations. The investigative body shall serve against a signature a copy of

the decree on the accused party.

(5) (Amended, SG No. 32/2010, effective 28.05.2010) In addition to the details under Article 179(1), the subpoena shall also refer to the specific actions in respect of which the person is summonsed; the person's right to appear with a defence counsel; the possibility to have a defence counsel appointed in the cases set out in Article 94(1), as well as the possibility to bring the person before court by compulsion in case of failure to appear without valid cause. The subpoena shall be served at least three days prior to the indictment.

(6) (Amended, SG No. 32/2010, effective 28.05.2010, SG No. 21/2014, effective 9.04.2014) If the accused party has been validly summonsed and failed to appear without valid cause, the person shall be brought before court by compulsion as per the procedure laid down in Article 94, Paragraphs 3-8.

(7) (New, SG No. 32/2010, effective 28.05.2010) Where the accused party has appeared without an authorised defence counsel or has been brought before court by compulsion, the investigative body shall carry out the actions in respect of which the accused party has been summonsed, while appointing a defence counsel for the latter in cases referred to in Article 94(1).

(8) (Renumbered from Paragraph 7 and amended, SG No. 32/2010, effective 28.05.2010) The investigative body may not take investigative action involving the accused party until the former has fulfilled its duties under Paragraphs 1 - 7.

Action in respect to an individual enjoying immunity

Article 220

(1) No individual enjoying immunity shall be constituted as accused party. Criminal prosecution in respect of such individual on account of the same crime shall be instituted once he/she is divested of immunity, if no other bars thereto are present.

(2) Where the accused party acquires immunity, criminal proceedings shall be stayed, measures for procedural coercion taken against him/her being withdrawn. In this case proceedings may resume in respect to the other accused parties, provided this will not hinder the discovery of the objective truth.

Interrogation of the accused party

Article 221

Following presentation of the decree for constitution of the accused party, the pre-trial body shall immediately proceed with the interrogation of the accused party in pursuance of Article 138.

Interrogation of the accused party before a judge

Article 222

(1) Should the pre-trial body deem it appropriate, the interrogation shall be made before a judge from the respective first instance court or the court in the area of which the action is taken with the participation of a defence counsel, if such exists. In this case the file is not presented to the judge.

(2) For the interrogation under paragraph (1) the respective body shall secure the appearance of the accused party and his defence counsel.

(3) Insofar as no special rules have been introduced, interrogation under paragraph 1 shall be conducted following the rules of judicial trial.

Interrogation of the witness before a judge

Article 223

(1) If there is a risk for the witness failing to appear before court because of serious illness, prolonged absence from the country or for other reasons that make impossible his/her appearance at a court hearing, as well as where it is necessary to affix the testimony of a witness that is of exceptional importance for the discovery of the objective truth, the interrogation shall be carried out before a judge from the respective first instance court or the court in the area of which the

action is taken. In this case the file is not presented to the judge.

(2) The pre-trial body shall secure the appearance of the witness and shall make it possible for the accused party and his defence counsel, if such exists, to participate in the interrogation.

(3) Insofar as no special rules have been introduced, interrogation under Paragraph 1 shall be conducted following the rules of judicial trial.

(4) The accused party or his/her defence counsel may request for the pre-trial body the interrogation of a witness under Paragraph 1. Refusal shall be put down in a record signed by the respective body, the accused party and his/her defence counsel.

Presence during the performance of investigative actions

Article 224

Where the provisions of this Code do not provide for attendance of the accused party, of his/her defence counsel or of the victim and his/her counsel in conducting the respective investigative actions, the pre-trial body may allow them to attend, provided this shall not obstruct the investigation.

New constitution of the accused party

Article 225

Where during investigation the presence of grounds is found require the application of a law concerning a criminal offence punishable by a more serious sanction or the factual circumstances have considerably changed, or new offences need to be introduced or new individuals need to be constituted, the investigative body shall report this to the prosecutor and perform a new constitution of the accused party.

Action before presentation of the investigation

Article 226

(1) Where the investigative body finds that all investigative action necessary to discover the objective truth has been taken, he/she shall report the case to the prosecutor.

(2) The prosecutor shall verify whether the investigation has been lawful, objective, comprehensive and complete.

(3) Where the prosecutor finds that during investigation a serious violation of procedural rules has been made or that evidence required for the discovery of the objective truth has not been collected, or that a new constitution is required, he/she shall alone take the required action or instruct the investigative body to perform it.

Presentation of the investigation

Article 227

(1) Following completion of action under Article 226, the investigative body shall present the investigation.

(2) (Amended, SG No. 32/2010, effective 28.05.2010) The accused party and his/her defence counsel, and the victim and his/her counsel and the legal person sustaining damages shall be summonsed for the presentation of the investigation, if they have requested so.

(3) (Amended, SG No. 32/2010, effective 28.05.2010) The summons shall be served on the parties at the relevant addresses for service in Bulgaria, as specified in the proceedings, at least three days prior to the date of the presentation of the investigation.

(4) (Amended, SG No. 32/2010, effective 28.05.2010) Where the person has not been found at the relevant address for service in Bulgaria, as specified in the proceedings, or has been validly summonsed but failed to appear without valid cause, the investigation shall not be presented.

(5) (Amended, SG No. 32/2010, effective 28.05.2010, SG No. 63/2017, effective 5.11.2017) Where the accused party has appeared without an authorised defence counsel, the investigative body shall present the accused party with the investigation, and in cases under Article 94, Paragraph (1) shall appoint a stand-by defence counsel irrespective of the assignment of a defence

counsel.

(6) (Repealed, SG No. 32/2010, effective 28.05.2010).

(7) Prior to presenting the investigation, the investigative body shall explain to the attending persons their rights.

(8) The investigation shall be presented, the investigative body placing at the disposal of the attending persons all relevant materials for examination.

(9) (Amended, SG No. 32/2010, effective 28.05.2010) The prosecutor may present the investigation where he/she has alone taken the actions under Article 226, Paragraph 3.

(10) (New, SG No. 109/2008, repealed, SG No. 32/2010, effective 28.05.2010).

Getting familiarized with the materials

Article 228

(1) The investigative body shall set a term for examination of the materials, depending upon the factual and legal complexity of the case, the volume of the file and other circumstances which may be of significance for the duration of the examination.

(2) Where some of the attending persons are not in a position to examine the materials, the investigative body shall be obligated to explain the latter to them and, if necessary, to read the materials out to them.

(3) Where a person refuses to examine the materials, the refusal and the reasons therefore shall be noted down in the record for presentation of the investigation.

Requests, remarks and objections

Article 229

(1) After examination of the materials, the respective persons may make requests, remarks and objections.

(2) The written requests, remarks and objections shall be enclosed with the case file, and the verbal ones shall be entered into the record for presentation of the investigation.

(3) (Amended, SG No. 32/2010, effective 28.05.2010) The supervising prosecutor shall rule on requests, remarks and objections referred to in Paragraph 2 within seven days by a non-appealable order.

Additional investigative actions

Article 230

(1) The persons who have requested additional investigative actions, may attend during the performance of the latter.

(2) Upon completion of the additional actions, the investigative body shall present the investigation for a second time.

Article 231

(Repealed, SG No. 32/2010, effective 28.05.2010).

Article 232

(Repealed, SG No. 32/2010, effective 28.05.2010).

Article 233

(Repealed, SG No. 32/2010, effective 28.05.2010).

Time limit for carrying out the investigation. Time limit for measures of procedural coercion

Article 234

(1) Investigation shall be completed and the file shall be sent to the prosecutor within two months at the latest, as from the date of institution thereof.

(2) The prosecutor may set a shorter limit. Should this time prove insufficient the prosecutor

may extend it to the expiry of the term under paragraph 1.

(3) (Supplemented, SG No. 109/2008, amended, SG No. 32/2010, effective 28.05.2010, SG No. 63/2017, effective 5.11.2017) Where the case is of factual or legal complexity, the prosecutor may extend the time limit under Paragraph (1) to up to four months. If this time limit also proves to be insufficient, the administrative head of the corresponding prosecutor's office or a prosecutor authorised thereby can extend the time limit at the request of the supervising prosecutor. The duration of each extension may not exceed two months.

(4) (Amended, SG No. 32/2010, effective 28.05.2010, SG No. 63/2017, effective 5.11.2017) The reasoned request for extension of the time limit shall be sent prior to expiry of the time limits under Paragraphs 1- 3.

(5) (Repealed, SG No. 63/2017, effective 5.11.2017).

(6) The prosecutor who extends the time limit for completion of the investigation shall also make a pronouncement on the measures of procedural coercion.

(7) Investigative actions taken outside the time limits under Paragraphs 1 - 3 shall not generate legal effect and the evidence collected may not be used before court for the issuance of a sentence.

(8) (Amended, SG No. 32/2010, effective 28.05.2010, SG No. 71/2013) Measures of procedural coercion taken in respect to the accused party, as well as the measure securing the civil claim, where grounds for the imposition of the latter no longer exist, shall be revoked by the prosecutor after expiry of more than eighteen months of constitution of the accused party in cases of serious crimes, and after expiry of more than eight months in all other cases. These time limits do not include the periods when the criminal proceedings were stayed by the prosecutor on the grounds of Article 25.

(9) If the prosecutor fails to discharge his/her duty under Paragraph 8, the measures of procedural coercion shall be revoked at the request of the accused party or his/her defence counsel by the respective first-instance court.

(10) (Amended, SG No. 32/2010, effective 28.05.2010) The court shall issue, as a single-judge panel, a ruling which shall be definitive.

(11) (Repealed, SG No. 32/2010, effective 28.05.2010).

Forwarding the file to the prosecutor

Article 235

(Amended, SG No. 32/2010, effective 28.05.2010, SG No. 63/2017, effective 5.11.2017, SG No. 44/2018, SG No. 7/2019) After finalizing the investigation, the investigative body shall immediately forward the file to the prosecutor enclosing a written opinion, as well as: a list of the persons to be summoned to the court hearing; a summary of the remand measure undertaken indicating the date of detention of the accused party, where the measure is remand in custody or house arrest; a summary of the documents and material evidence; a summary of any expenses incurred and the security measures taken, as well as information on the placement of children in cases under Article 63, Paragraph (12).

Section II
Records for investigative actions. Sound and video recordings.

Presentation and service of records for investigative actions

Article 236

(1) The pre-trial body shall present the record for the investigative action to the persons who have participated in their performance, in order to enable them to get acquainted with it, or shall

read it out to them upon their request.

(2) The pre-trial body shall explain to each person the right to request corrections or changes and additions to the record. The requests made shall be entered into the record.

(3) Where some of the persons who have taken part in the investigative actions refuse or are not in a position to sign the record, the pre-trial body shall make a note thereof and shall also state the reasons.

(4) A copy of the record for search, personal search, seizure and personal examination shall be served on the person with respect to whom such investigative actions have been conducted.

Protocols for investigative actions carried out by videoconference

Article 236a

(New, SG No. 98/2020)

(1) A protocol shall be prepared for the conducted investigative actions by videoconference, in which the data under Article 129, Paragraph 1 and the data of all participants in the action and of the person, who has established their identity, shall be entered. The report shall be signed by the investigating body and by the participants present.

(2) A video recording shall be prepared for the conducted actions for the investigation by videoconference under the procedure of Article 239 and 240, for which all participants shall be explicitly notified.

Record of interrogation

Article 237

(1) (Amended, SG No. 32/2010, effective 28.05.2010) The record of interrogation shall comprise the following data about the person interrogated: full name, date and place of birth, citizenship, nationality, education, family status, occupation, place of work and position, residence, record of previous convictions and other data, which may be of significance for the case. In the cases of Articles 141 and 141a, the identity data shall not be entered in the record.

(2) Explanations and testimonies shall be recorded in the first person, verbatim, if possible.

(3) Where necessary, the questions and the answers shall be recorded separately.

(4) The interrogated persons shall certify with their signatures that the explanations or depositions have been correctly recorded. If the record is written on several pages, the interrogated persons shall sign on each page.

(5) The interrogated persons may, if they wish so, set forth in their own hand the explanations or testimonies given orally. In this case the pre-trial body may ask additional questions.

Sound recording

Article 238

(1) At the request of the person interrogated or at the initiative of the pre-trial body, a sound recording may be made of which the person interrogated shall be informed prior to the beginning of interrogation.

(2) The sound recording shall contain the information indicated in Article 129, paragraph (1), and Article 237.

(3) The sound recording of part of the interrogation or the repetition, especially for the sound recording, of part of the interrogation, shall not be allowed.

(4) Upon completion of the interrogation the sound recording shall be played in full to the person interrogated. Additional explanations and testimonies shall also be reflected in the sound recording.

(5) The sound recording shall end with a declaration by the person interrogated that it reflects correctly the explanations and testimonies given thereby.

Interrogation record in the case of sound recording

Article 239

(1) The investigative body shall draw up interrogation record also where a sound recording has been made.

(2) (New, SG No. 98/2020) The sound recording shall be made on an electronic carrier for a single recording, on which the signatures of the pre-trial body and the participants who are present, and the date of the conducted action on the investigation shall be placed.

(3) (Renumbered from Paragraph 2, SG No. 98/2020) The record shall comprise: the major circumstances of the interrogation; the decision to make a sound recording; the notification of the person interrogated of the sound recording; the remarks made by the person interrogated in relation to the sound recording; the reproduction of the sound recording before the person interrogated and the statement of the pre-trial body and of the person interrogated as to the correctness of the sound recording.

(4) (Renumbered from Paragraph 3, SG No. 98/2020) The sound recording shall be enclosed with the record, after it has been sealed with a note indicating: the body conducting the interrogation; the case, the name of the person interrogated and the date of interrogation. The note shall be signed by the pre-trial body and the interrogated person.

(5) (Renumbered from Paragraph 4, SG No. 98/2020) Breaking the seal of the sound recording for the needs of investigation shall be allowed only by authorisation of the prosecutor and in the presence of the person interrogated. While playing the sound recording, the person interrogated shall also be present.

(6) (Renumbered from Paragraph 5, SG No. 98/2020) After hearing, the sound recording shall be sealed again, pursuant to paragraph (3).

Video recording

Article 240

The provisions of Articles 237 - 239 shall apply to making video recording, mutatis mutandis.

Sound and video recording in other investigative actions

Article 241

Sound and video recordings may also be made in other investigative actions, with due application of the provisions of Articles 237 - 239.

Chapter eighteen
ACTION TAKEN BY THE PROSECUTOR FOLLOWING COMPLETION OF THE INVESTIGATION

Powers of the prosecutor

Article 242

(1) After receiving the case, the prosecutor shall terminate, suspend criminal proceedings, make a proposal for exemption from criminal liability with the imposition of an administrative sanction or a proposal for agreement to dispose of the case, or press new charges with an indictment, provided grounds to this effect are present.

(2) Where upon presentation of the investigation the investigative body has made considerable procedural violations, the prosecutor shall instruct him/her to remove these or shall remove them him/herself.

(3) (New, SG No. 42/2015, supplemented, SG No. 63/2017, effective 5.11.2017) When considering it necessary, the prosecutor may also take additional investigation-related actions and other procedural actions, and shall then present the investigation.

(4) (Renumbered from Paragraph 3, amended, SG No. 42/2015) The prosecutor shall

exercise his/her powers under Paragraphs 1 - 3 within the shortest possible term, but not later than one month after receipt of the case file.

(5) (New, SG No. 63/2017, effective 5.11.2017) Where the case is of factual or legal complexity, the time limit specified in Paragraph (4) can be extended by one month by the administrative head of the corresponding prosecutor's office or a prosecutor authorised thereby at the reasoned request of the supervising prosecutor.

Termination of criminal proceedings by the prosecutor

Article 243

(1) The prosecutor shall terminate the criminal proceedings:

1. (supplemented, SG No. 7/2019) in the cases falling under Article 24, Paragraphs 1 and 6;

2. (amended, SG No. 32/2010, effective 28.05.2010) should the prosecutor find that the indictment has not been proved.

(2) In the decree, the prosecutor shall also decide on issues pertaining to material evidence and revoke the measures of procedural coercion, as well as the measure securing the civil claim, where grounds for the imposition of the latter no longer exist.

(3) (New, SG No. 63/2017, effective 5.11.2017) When terminating the criminal proceedings on the grounds of Article 24, Paragraph (1), Item 1 by reason of the fact that the act constitutes an administrative violation, the prosecutor shall forward the materials together with the material evidence by competence to the respective administrative sanctioning authority.

(4) A copy of the decree for termination of the criminal proceedings shall be sent to the accused person, to the victim or his/her heirs, to the legal person sustaining damages, and where there is no victim or legal person sustaining damages - to the person who made the notification under Art. 209 of the Penal Procedure Code, who may appeal against the decree before the relevant court of first instance within seven days of receipt of the copy.~~(4) (Renumbered from Paragraph (3), SG No. 63/2017, effective 5.11.2017) Copies of the decree for termination of the criminal proceedings shall be sent to the accused party and to the victim or his/her heirs, or to the prejudiced legal person who may, within seven days from the receipt thereof, appeal it before the respective first instance court.~~

(5) (Renumbered from Paragraph (4), amended, SG No. 63/2017, effective 5.11.2017) The court shall hear the case in a panel of one judge sitting in camera no later than one month following submission of the case-file, concluding on the substantiation and legality of the decree for termination of the criminal.

(6) (Renumbered from Paragraph (5), SG No. 63/2017, effective 5.11.2017) By virtue of its ruling the court may:

1. Confirm the decree of the prosecutor;

2. Modify the decree of the prosecutor in relation to the grounds for termination of the criminal proceedings and the modalities of disposal of material evidence;

3. Revoke the decree of the prosecutor and remit the case to him/her accompanied with mandatory guidance on the application of the law.

(7) (Renumbered from Paragraph (6), amended, SG No. 63/2017, effective 5.11.2017) The decree under paragraph (6) may be objected by the prosecutor and appealed by the accused party, his/her defence counsel and the victim or his/her heirs, ~~or~~ by the prejudiced legal person or by the person who reported the offence, within seven days from notification before the respective intermediate appellate review instance court.

(8) (Renumbered from Paragraph (7), SG No. 63/2017, effective 5.11.2017) The intermediate appellate review instance court shall make pronouncement in a three-judge panel sitting in camera, by a ruling which shall be final.

(9) (Renumbered from Paragraph (8), SG No. 63/2017, effective 5.11.2017) No decree for the partial termination of criminal proceedings shall be drafted in the event of new constitution of the same individual in relation to the same criminal act.

~~(10) (Supplemented, SG No. 71/2013, renumbered from Paragraph (9), SG No. 63/2017, effective 5.11.2017) Where grounds under paragraph 1 were absent, the decree for termination of the criminal proceedings, which has not been appealed by the accused party, the victim or his/her heirs, or by the prejudiced legal person, may ex officio be revoked by a prosecutor with a higher-standing prosecution office. Revocation may also take place within a period of up to two years in cases where proceedings for a serious crime have been instituted and within a period of up to one year - in all other cases, as of the date of issue of the decree for termination of the criminal proceedings. In exceptional circumstances the Prosecutor General may revoke the decree for termination of the criminal proceedings also after this period has expired.~~

~~(11) (New, SG No. 109/2008, renumbered from Paragraph (10), SG No. 63/2017, effective 5.11.2017) Upon revocation of the decree for termination of the criminal proceedings, a new timeline under Article 234 starts with regard to performing the investigation.~~

~~(12) (New, SG No. 103/2020) Paragraph 10 shall not apply to the decrees of the European Public Prosecutor and the European Delegated Prosecutors.~~

~~(13) (New, SG No. 16/2021) Paragraph 10 shall not apply to the decrees of the prosecutor in the investigation against the Prosecutor General or his deputy.~~ **Revocation of the decree for termination of criminal proceedings by the prosecutor**

Art. 243a. (1) Where the grounds for termination of criminal proceedings under Art. 243, paragraph 1 of the Penal Procedure Code are present, the decree for termination of the criminal proceedings, which has not been appealed before a court, may be revoked by a prosecutor from the higher prosecutor's office on his/her own motion within two years when the proceedings have been initiated for a serious crime within the meaning of Art. 93, item 7 of the Criminal Code, and within one year – in other cases, from the issuance of the decree for termination of the criminal proceedings.

(2) The Prosecutor General may revoke the decree for termination of criminal proceedings after the expiry of the time limit under paragraph 1 where:

1. some of the evidence on which the decree is based turns out to be false;

2. a prosecutor or investigative body has committed a criminal offence in connection with his/her participation in criminal proceedings;

3. an investigation reveals circumstances or evidence which were not known to the prosecutor who issued the decree for termination and are essential to the case;

4. a judgement of the European Court of Human Rights found a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms in relation to the termination of the proceedings.

(3) After the revocation of the decree terminating the criminal proceedings, a new time limit under Art. 234 shall commence for carrying out the investigation.

(4) The provisions of the preceding paragraphs shall not apply to the decrees of the European Public Prosecutor and European delegated prosecutors.

Suspension of the criminal proceedings by the prosecutor

Article 244

(1) The prosecutor shall suspend criminal proceedings:

1. in cases under Articles 25 and 26;

2. where the perpetrator of the crime has not been discovered;

3. (amended, SG No. 32/2010, effective 28.05.2010) where impossible to have the only eye witness interrogated, including by letter rogatory, nor through a phone or video conference.

(2) Where in cases under Paragraph 1, item 2 an accused party has been constituted, criminal proceedings in respect thereto shall be terminated.

(3) (Supplemented, SG No. 7/2019) In case of suspension of the proceedings, the prosecutor shall send a copy of the decree of the accused party, and to the victim or his heirs or to the legal person sustaining damages or to the person who made the notification under Art. 209 of the Penal Procedure Code, when there is no victim or legal person sustaining damages, and in cases under Article 25, paragraph 1, item 6, he/she shall also inform them of the rights under Article 80.

(4) (Repealed, SG No. 32/2010, effective 28.05.2010).

(5) A decree under Paragraph 1 may be appealed by the accused party, the victim or his/her heirs the legal person sustaining damages or the person who made the notification under Art. 209 of the Penal Procedure Code, when there is no victim or legal person sustaining damages before the respective first-instance court within seven days of receipt of a copy thereof. The court shall rule in a single-judge panel, in camera, no later than seven days of submission of the case-file in court, by a ruling, which shall be final.

(6) (Repealed, SG No. 109/2008).

(7) (New, SG No. 109/2008) Upon revocation of the decree for termination of the criminal proceedings as per Paragraph 5, a new timeline under Article 234 starts with regard to performing the investigation.

(8) (Renumbered from Paragraph 7, SG No. 109/2008) In cases under Paragraph 1(3), criminal proceedings shall be suspended for a period not longer than one year.

Actions in suspended criminal proceedings

Article 245

(1) (Amended, SG No. 109/2008, amended and supplemented, SG No. 93/2011, effective 1.01.2012, supplemented, SG No. 7/2018) Where criminal proceedings have been suspended because of a failure to discover the perpetrator, the prosecutor shall remit the case to the relevant bodies of the Ministry of Interior, the State Agency for National Security, the Counter-Corruption and Unlawfully Acquired Assets Forfeiture Commission or the Customs Agency in order to continue searching for the perpetrator. These bodies shall notify the prosecutor of the outcome of search operations and hand over any collected material.

(2) Suspended criminal proceedings shall be reopened by the prosecutor, after elimination of the reasons for suspension, or provided there is need for further investigative actions.

(3) After reopening the suspended proceedings, the investigation shall be carried out within the terms under Article 234. These terms shall not take into account the time during which criminal proceedings were suspended.

(4) (New, SG No. 7/2019) The prosecutor shall terminate the criminal proceedings, if within the six-month period of receiving notification of suspension pursuant to Article 25, paragraph 1, item 6, the victim of the crime lodges a complaint under Article 81.

Indictment

Article 246

(1) The prosecutor shall draw up an indictment where he/she is persuaded that the necessary evidence for the discovery of the objective truth and for pressing charges before court were collected, that there are no grounds for terminating or suspending criminal proceedings, that no considerable violation of procedural rules has been allowed that is susceptible of elimination.

(2) The following shall be indicated in the factual part of the indictment: the crime committed by the accused party; the time, place and manner of its perpetration; the victim and the

amount of the damages; full data about the personality of the accused party, whether the conditions for application of Article 53 of the Criminal Code are at hand; the circumstances which aggravate or attenuate the liability of the accused party; the evidential materials from which the indicated circumstances have been established.

(3) (Amended, SG No. 32/2010, effective 28.05.2010) The following shall be indicated in the concluding part of the indictment: information about the identity of the accused party; the legal qualification of the act; whether there are grounds for application of Article 53 of the Criminal Code; whether there are grounds for the transfer of criminal proceedings; the date and place of drawing up the indictment and the name and position of its author.

(4) (Amended, SG No. 63/2017, effective 5.11.2017, SG No. 44/2018, SG No. 7/2019) The following shall be enclosed with the indictment: a list of persons to be summoned to the court hearing; a summary of the remand measure taken, indicating the date of detention of the accused party if the measure is remand in custody or house arrest; a summary of the documents and the pieces of material evidence; a summary of any expenses incurred; a summary of the security measures taken, as well as information on the placement of children in cases under Article 63, Paragraph (12).

PART FOUR
COURT PROCEEDINGS

Chapter nineteen
SUBMISSION TO COURT AND PREPARATORY ACTIONS FOR EXAMINATION OF THE CASE AT A COURT HEARING
(Title amended, SG No. 63/2017, effective 5.11.2017)

(Section I. Submission to court)
(Title repealed, SG No. 63/2017, effective 5.11.2017)

Institution of proceedings before the first instance
Article 247

(1) Proceedings before the first instance court shall be instituted:

1. on the basis of indictment, and

2. (amended, SG No. 63/2017, effective 5.11.2017) on the basis of complaint by the victim.

(2) (Repealed, SG No. 63/2017, effective 5.11.2017, new, SG No. 110/2020, effective 30.06.2021) The indictment and the complaint can be submitted through the unified e-justice portal, signed with a qualified electronic signature. In other cases they shall be entered in the unified information system of the courts under the procedure of Article 360g of the Judicial System Act.

(3) The indictment and the complaint shall be presented to the court in as many transcripts as is the number of the accused parties.

Initiating the proceedings in the information system of the first instance court

Article 247a. (New, SG No. 110/2020, effective 30.06.2021) (1) Upon carrying out a procedural action which initiates court proceedings, an electronic case shall be instituted in the information system of the court.

(2) The statements and the acts, submitted to the court on paper carrier, as well as all documents and information on paper carrier, shall be entered in the information system of the court by taking an electronic image under the procedure of Article 360g of the Judicial System

Act in a form and manner allowing their reproduction.

(3) The evidences, which due to their nature cannot be converted into electronic form, shall be attached to the case and shall be stored in the form in which they are presented before the court.

(4) The whole or part of the electronic file may be reproduced in the required number of documents on paper carrier with the meaning of official copies after certification by an employee, authorized by the administrative head of the respective judicial authority. A reproduction fee shall be charged as for a certified copy.

(5) At the request of the parties to the case the court shall provide them with an uncertified copy of the whole or of a part of the electronic case, reproduced on paper carrier. A reproduction fee shall be charged as for a copy. No fee shall be due in cases of exemption from state fee, as well as in other cases provided by law.

(6) The documents and the information, presented on electronic carrier, received electronically or entered in the information system of the court, shall be processed and stored in a way, guaranteeing the protection from errors, forgery and loss.

Appointment of a judge-rapporteur and checking the jurisdiction for the case

Article 247b

(New, SG No. 63/2017, effective 5.11.2017, renumbered from Article 247a, SG No. 110/2020, effective 30.06.2021) (1) Following institution of the case a judge-rapporteur shall be appointed.

"(2) Where the judge-rapporteur finds that the case is within the jurisdiction of the court, he/she shall:

1. terminate the criminal proceedings in the cases under Art. 250, paragraph 1;

2. schedule the proceedings initiated on the indictment, for which the grounds for termination under Art. 250, paragraph 1 are not present, at a dispositional hearing within two months of its receipt, and where the proceedings constitute a factual or legal complexity or in other exceptional cases the President of the Court may, in writing, authorise the scheduling of the hearing within a longer period, but not more than three months;

3. exercise the powers referred to in Art. 252, paragraph 4, where the proceedings are instituted on the complaint of the victim.~~(2) Where the judge-rapporteur finds that the case falls within the jurisdiction of the court:~~

~~1. He/she shall refer the case initiated on the basis of indictment in an operative hearing within two months of receiving the case, and where the case presents factual or legal complexity and in other exceptional circumstances the Chairperson of the court may issue an authorization in writing for the operative hearing to be scheduled within an extended period determined thereby, which shall not be longer than three months;~~

~~2. He/she shall exercise the powers under Articles 250 to 252, where the case has been initiated on the basis of complaint by the victim.~~

(3) The judge-rapporteur shall terminate court proceedings in the event of finding that the case does not fall within the jurisdiction of the court.

Notification of scheduling the operative hearing

Article 247c

(New, SG No. 63/2017, effective 5.11.2017, renumbered from Article 247b, SG No. 110/2020, effective 30.06.2021) (1) At the order of the judge-rapporteur a copy of the indictment shall be served on the defendant. Upon serving the indictment, the defendant shall be notified of the date of the operative hearing and of the matters specified in Article 248, Paragraph (1), of his/her right to appear with a defence counsel and of the possibility to have a defence counsel

appointed in the cases set out in Article 94, Paragraph (1), as well as of the fact that the case can be tried and adjudicated in the defendant's absence as per the provisions of Article 269.

(2) The prosecutor and the defence counsel, as well as the victim or his/her heirs and the prejudiced legal person shall be notified of the operative hearing and of the matters specified in Article 248, Paragraph (1), as well as of their right to authorise a counsel.

(3) Within 7 days of the service of the notice, the prosecutor and the persons specified in Paragraphs (1) and (2) can give answers to the matters to be discussed at the operative hearing and file their requests.

(4) Within seven days of the service of the notice, the victim or his/her heirs may file requests to be constituted as a private prosecutor and civil claimant, and the prejudiced legal person – as a civil claimant.

(5) The judge-rapporteur shall provide the persons who/which are able to participate in the operative hearing with the opportunity to examine the materials in the case file and to obtain excerpts they need.

Participants in the operative hearing

Article 247d

(New, SG No. 63/2017, effective 5.11.2017, renumbered from Article 247c, SG No. 110/2020, effective 30.06.2021) The operative hearing shall be postponed where any of the following does not appear:

1. the prosecutor;

2. the accused party, should the appearance of the latter be mandatory, except in cases under Article 269, Paragraph (3);

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3. (declared unconstitutional with Decision No. 14 by the Constitutional Court of the Republic of Bulgaria, in its part regarding the words "in the cases under Article 94, Paragraph 1" - SG No. 87/2018) the defender - in the cases under Article 94, Paragraph 1.

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(2) (Supplemented, SG No. 96/2018) Any failure of the victim or his/her heirs and the prejudiced legal person and the defender except in the cases under Article 94, Paragraph 1, to appear at the hearing without a good reason shall not be an obstacle to the conducting of the operative hearing.

(3) The operative hearing shall not be adjourned, if the victim or his/her heirs and the prejudiced legal person were not found at the address they had indicated for the service of process in this country.

Matters discussed at the operative hearing

(Title amended, SG No. 63/2017, effective 5.11.2017)

Article 248

(Amended, SG No. 63/2017, effective 5.11.2017) (1) The following matters shall be discussed at the operative hearing:

1. whether the case is within the jurisdiction of the court;

2. whether there are grounds for termination or suspension of the criminal proceedings;

3. whether there have been any substantial violations of procedural rules in the course of pre-trial proceedings susceptible of being removed, which have resulted in the restriction of procedural rights of the accused party, of the victim or of his/her heirs;

4. whether grounds are present for the examination of the case in accordance with the special rules;

5. (amended, SG No. 9/2021, effective 6.02.2021) the examination of the case behind closed doors, the participation of a reserve judge or assessor, the appointment of a defence counsel, an expert witness, an interpreter or Bulgarian sign interpreter and on the performance of judicial trial action by letters rogatory;

6. supervision measures;

7. requests for collecting new evidence;

8. the scheduling of the court hearing and the persons to be summoned to it.

9) whether there are grounds for splitting the proceedings.

(2) The court shall make pronouncement on the requests to be constituted as a parties to the proceedings.

(3) In a court hearing before the court of first instance, the intermediate appellate review instance court and the cassation instance court no objections can be made with regard to violations of procedural rules under Paragraph (1), Item 3, where such violations have not been raised for discussion at the operative hearing, including on the initiative of the judge-rapporteur, or where the violations concerned have been found to be immaterial.

(4) No violations relating to the admissibility, collection, examination and assessment of evidence and objective forms of evidence shall be discussed at the operative hearing.

(5) (Amended, SG No. 110/2020, effective 30.06.2021) After hearing the prosecutor and the persons specified in Article 247c, Paragraphs (1) and (2) the court shall make pronouncement by a ruling whereby it:

1. terminates the court proceedings;
2. terminates the criminal proceedings;
3. suspends criminal proceedings;
4. schedules the case for hearing and notifies the persons who have appeared where no grounds exist for the examination of the case in accordance with the procedure established by Chapter Twenty-Seven, Chapter Twenty-Eight and Chapter Twenty-Nine, or where the court has found obvious factual errors in the indictment.

5. may separate the material concerning a defendant who is not found or who has failed to appear without good cause and to whom the provision of Art. 269, paragraph 3 is not applicable, for trial in his/her absence, into separate proceedings to be decided by another Trial Chamber from the stage of the dispositional hearing. If a defendant initially not found or absent appears in the separate proceedings, the two proceedings shall be consolidated;

6. may separate the materials for a defendant who has fallen into a short-term mental disorder that precludes the mental capacity to bear criminal liability, or who has another serious illness that interferes with the conduct of criminal proceedings, into separate proceedings to be assigned to a new Trial Chamber;

7. may, of its own motion or at the request of any of the parties, consolidate proceedings under the terms of Art. 41.

(6) The ruling shall be announced at the operative hearing.

Removal of obvious factual errors in the indictment

Article 248a

(New, SG No. 63/2017, effective 5.11.2017) (1) Where the court finds obvious factual errors in the indictment, it shall set a 7-day period in which the prosecutor must remove such errors.

(2) The judge rapporteur shall, as single-judge panel, in camera, revoke the ruling whereby the case was scheduled for hearing and terminate the judicial proceedings if the prosecutor fails to submit an indictment within the time period specified in Paragraph (1) or has not removed the obvious factual errors. The ruling shall not be subject to appeal through court procedure.

(3) A copy of the ruling delivered by the judge-rapporteur shall be sent to the parties and the summoned persons shall be notified.

Termination of court proceedings by the court

(Title amended, SG No. 63/2017, effective 5.11.2017)

Article 249

(Supplemented, SG No. 109/2008, amended and supplemented, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 42/2015, amended, SG No. 63/2017, effective 5.11.2017) (1) The judge-rapporteur shall terminate court proceedings in cases under Article 248, Paragraph (2), Items 1 and 3.

(2) When terminating court proceedings on the grounds of Article 248, Paragraph (1), Item 3, the court shall return the case file to the prosecutor. The court order shall state the violations made. In such cases the prosecutor shall eliminate the specified procedural violations in accordance with the procedure established by Article 242, and a new time-limit shall commence from the receipt of the case file.

(3) (Amended, SG No. 44/2018) The order under Article 248, Paragraph (1), Items 3 and 6 and under Article 248, Paragraph (5), Item 1, Paragraph (4), where obvious factual errors are found, and the refusal of the court under Article 248, Paragraph (2) to admit a private prosecutor are subject to appeal and protest pursuant to the procedure established by Chapter Twenty-Two. The court shall send the case file to the higher instance after the expiry of the time limit specified in Article 248a, Paragraph (1).

(4) A violation of procedural rules at the stage of pre-trial proceedings is material and susceptible of being removed where the rights of the following persons have been infringed:

1. (amended, SG No. 7/2019) of the accused person: to be informed of the criminal offence in relation to which he/she has been constituted as party to the proceedings in this particular capacity; to provide or refuse to provide explanations in relation to the charges against him/her; to take part in the proceedings; to have a defence counsel and to receive translation or interpretation into a language he/she understands under Article 55, Paragraph (4), if he/she does not have command of the Bulgarian language;

2. of the victim or his/her heirs: to be informed of the initiation of the pre-trial proceedings; to be informed of his/her rights and to take part in the proceedings; to receive a translation of the decree terminating or suspending the criminal proceedings if he/she does not have command of the Bulgarian language.

(5) (Repealed, SG No. 44/2018).

Termination of criminal proceedings by the court

(Title amended, SG No. 63/2017, effective 5.11.2017)

Article 250

(Amended and supplemented, SG No. 32/2010, effective 28.05.2010, amended, SG No. 63/2017, effective 5.11.2017) (1) The judge-rapporteur shall terminate criminal proceedings:

1. in cases under Article 24, Paragraph (1), Items 2, 3, 4, 6, 7, 8, 8a, 9 and 10; where the proceedings were initiated upon the victim's private complaint, the criminal proceedings shall be terminated in the aforementioned cases, as well as in cases under Article 24, Paragraph (5);

2. where the act described in the indictment or complaint does not constitute a crime.

~~2~~3. where the act described in the indictment or the private complaint does not constitute an administrative violation.

(2) (Amended, SG No. 44/2018) When terminating criminal proceedings, the court shall rule on the issue of material evidence and revoke any measures for procedural coercion imposed on the accused party, as well as the measure securing the civil claim, where the grounds for its imposition have ceased to exist. In cases where the act described in the indictment constitutes an administrative offence, the court shall send the case together with the material evidence to the relevant administrative sanctioning authority.~~In the cases under Paragraph (1), Item 2 the court shall forward the case file together with the material evidence by competence to the respective administrative sanctioning authority.~~

(3) A copy of the order for termination of criminal proceedings which pertain to a crime prosecuted upon the victim's complaint shall be served on the private complainant ~~and the accused party~~.

(4) A ruling to terminate criminal proceedings shall be subject to appeal and prosecutorial protest in accordance with Chapter Twenty-One. An order terminating criminal proceedings for an offence prosecuted on the complaint of the victim shall be subject to appeal under Chapter Twenty-Two.~~(Amended, SG No. 44/2018) The ruling and the order for termination of criminal proceedings shall be subject to appeal and protest in pursuance of Chapter twenty-one.~~

Termination of criminal proceedings by the court

(Title amended, SG No. 63/2017, effective 5.11.2017)

Article 251

(Amended, SG No. 63/2017, effective 5.11.2017) (1) The court shall terminate criminal proceedings in the cases specified in Article 25, Paragraph (1), Items 1 to 3 and Paragraph (2), and in Article 26.:

(2) The court shall rule on the remand measures.

(3) The Court shall also revoke the measure for securing the civil claim, if the grounds for

its imposition are no more valid.

(4) (Amended, SG No. 44/2018) A copy of the ruling delivered by the judge-rapporteur for suspending of criminal proceedings which pertain to a crime prosecuted upon the victim's complaint shall be served on the private complainant and the accused party.

(5) (Amended, SG No. 44/2018, SG No. 7/2019) The ruling and the order for suspending of criminal proceedings shall be subject to appeal and protest in pursuance of Chapter twenty-two.

Preparation of the court hearing

(Title amended, SG No. 63/2017, effective 5.11.2017)

Article 252

(Amended, SG No. 63/2017, effective 5.11.2017) (1) Where grounds are present for the examination of the case in accordance with the procedure established by Chapter Twenty-Nine, and, at the request of the parties – also in accordance with the procedure established by Chapter Twenty-Seven, the court shall hear the case immediately after the end of the operative hearing.

(2) Where no grounds exist for the examination of a case initiated on an indictment in accordance with the procedure established by Chapter Twenty-Seven, Chapter Twenty-Eight and Chapter Twenty-Nine, or where the court has found obvious factual errors in the indictment, the court hearing shall be scheduled not later than one month after the operative hearing.

(3) The persons who/which did not appear at the operative hearing shall be notified of the scheduling of the court hearing.

(4) (Amended, SG No. 44/2018) Within one month the judge-rapporteur shall schedule proceedings initiated upon the victim's complaint where grounds exist for examining it in a court hearing. In the scheduling order which proceeds with the complaint, the judge-rapporteur shall determine the legal classification of the facts set out in the complaint. A copy of the ruling delivered by the judge-rapporteur and of the complaint shall be served on the defendant, who shall be notified of the date of the court hearing, as well as of the fact that the case can be tried and adjudicated in the defendant's absence as per the provisions of Article 269. Within seven days following service of the papers, the defendant may give response stating therein any objections and making new requests.

Parties to the court proceedings

Article 253

The following shall be the parties to the court proceedings:

1. the prosecutor;
2. the defendant and the defence counsel;
3. the private complainant and private prosecutor;
4. the civil claimant and civil respondent.

Section II
(Repealed, SG No. 63/2017, effective 5.11.2017)
Preparatory actions for examination of the case at a court hearing

Article 254

(Repealed, SG No. 63/2017, effective 5.11.2017).

Article 255

(Repealed, SG No. 63/2017, effective 5.11.2017).

Article 256

(Repealed, SG No. 63/2017, effective 5.11.2017).

Article 257

(Repealed, SG No. 63/2017, effective 5.11.2017).

Chapter twenty
COURT HEARING

Section I
General provisions

Permanence of the court panel

Article 258

(1) The case shall be examined by one and the same constitution of the court from the beginning to the end of the court hearing.

(2) Where a member of the court panel cannot continue taking part in the examination of the case and should it be necessary for such member to be replaced, the court hearing shall start from the beginning.

Uninterruption of the court hearing

Article 259

After hearing the pleadings in court and the last word of the defendant the members of the panel may not consider another case prior to issuing a sentence in this case.

Stand-by judges and assessors

(Title amended, SG No. 63/2017, effective 5.11.2017)

Article 260

(1) (Amended, SG No. 63/2017, effective 5.11.2017) Where the examination of a case requires a long period of time, a stand-by judge or assessor may be appointed.

(2) (Amended, SG No. 63/2017, effective 5.11.2017) The stand-by judge or assessor shall attend the examination of the case from the beginning of the court hearing with the rights of member of the panel, except for the power to take part in deliberations and in making decisions on issues relevant to the case.

(3) (Amended, SG No. 63/2017, effective 5.11.2017) Where a member of the court panel cannot continue taking part in the examination of the case, the stand-by judge shall substitute for him with all rights of a member of the panel, and the examination of the case shall continue.

Measures to ensure the educative impact of the court hearing

Article 261

The court shall take the necessary measures to ensure the court hearing has proper educative impact.

Appointment of court hearings outside court premises

Article 262

Where necessary, the court hearing or separate court actions shall be appointed to be held outside court premises.

Trying the case behind closed doors

Article 263

(1) The case shall be examined or individual acts within court proceedings shall occur behind closed doors where this is required in view of safeguarding the state secret or morality, as well as in the hypotheses of Article 123, Paragraph 2, item 2.

(2) The provision of paragraph (1) may also apply where this is necessary for preventing the divulgence of facts pertaining to the intimate life of citizens.

(3) (New, SG No. 109/2008) Witnesses who are children or minors, having become victims of crime, may be interrogated behind closed doors.

(4) (Renumbered from Paragraph 3, SG No. 109/2008) Sentences shall be announced publicly in all cases.

Individuals who may attend court hearings behind closed doors

Article 264

(1) Court hearings behind closed doors may be attended by individuals whom the presiding judge authorises to do so, as well as one individual indicated by each accused party.

(2) The provision of paragraph 1 shall not apply where there is a risk of divulging a state or other secret under statutory protection, as well as in the hypotheses of Article 123, Paragraph 2, item 2.

Individuals who may not attend the court hearing

Article 265

A court hearing may not be attended by:

1. Individuals who have not completed eighteen years of age, if they are not parties to the case or witnesses;

2. Armed individuals, with the exception of security guards.

Functions of the presiding judge

Article 266

(1) The judge presiding the court panel shall direct the court hearing with a view to securing objective, comprehensive and complete elucidation of the circumstances in the case, as well as exact compliance with the law.

(2) The presiding judge shall maintain decorum in the courtroom, being competent to impose a fine of up to BGN five hundred on anyone present on account of gross violations thereof.

(3) Orders of the presiding judge shall be mandatory for all individuals in the courtroom.

(4) (Supplemented, SG No. 63/2017, effective 5.11.2017) The orders of the presiding judge may be revoked by the panel of the court. The court ruling whereby the court refuses to repeal a fine under Paragraph (2) shall be subject to appeal and protest in accordance with the procedure established by Chapter Twenty-Two.

Removal from the courtroom

Article 267

(1) Where the accused party, the private prosecutor, the private complainant, the civil claimant or the civil defendant fail to abide by the rules of decorum at the court hearing, the presiding judge shall warn them that upon second violation they shall be removed from the courtroom. Should such a person continue to violate the order, the court may remove that person from the courtroom for a specified period of time.

(2) When the removed persons return to the courtroom, the presiding judge shall inform

such persons of the actions performed in their absence, by reading out the record drawn up by the court.

(3) Where the prosecutor, the defence counsel or the counsel, after the warning of the presiding judge, continue to violate the order in the courtroom, the court may adjourn the examination of the case, if it is impossible to replace any of them with another person under the respective procedure without prejudice to the case. The presiding judge shall inform the respective body about the violation.

(4) Where other individuals disturb the order, the presiding judge may remove them from the courtroom.

Mandatory participation of the prosecutor

Article 268

Participation of the prosecutor at court hearing of publicly actionable cases shall be mandatory.

Presence of the accused party in the court hearing

Article 269

(1) The presence of the accused party at the court hearing shall be mandatory in cases with indictment in serious crimes.

(2) The court may order the accused party to also appear in cases where the presence thereof is not mandatory, if this is necessary for the discovery of the objective truth.

(3) Provided this shall not obstruct the discovery of the objective truth, the case may be tried in the absence of the accused party if:

1. the person could not be found at the address specified by him, or he has changed his/her address without notifying the respective body;

2. his/her place of residence in this country is not known and has not been identified after a thorough search;

3. (new, SG No. 32/2010, effective 28.05.2010, amended, SG No. 63/2017, effective 5.11.2017, SG No. 110/2020, effective 30.06.2021) the person had been validly summonsed but failed to show good cause for not appearing, and where the procedure under Article 247c, Paragraph (1) has been complied with;

4. (renumbered from Item 3, SG No. 32/2010, effective 28.05.2010) is located outside the boundaries of the Republic of Bulgaria:

a) his/her place of residence is not known;

b may not be otherwise summonsed;

c) has been validly summonsed, but has failed to specify good reasons for his/her non-appearance.

(4) Where a defendant who has not been found or who has not appeared is found or appears in separated proceedings under Art. 216, paragraph 1 and Art. 248, paragraph 5, item 5, the two proceedings shall be consolidated ex officio or at the request of either party. Where a judicial investigation has been put into motion in one of the proceedings, the President of the court formation shall explain to the defendant the acts performed in his/her absence by reading the court record and, at his/her request, the court shall conduct further questioning of the witnesses examined.

Pronouncement on the remand measure and on the measures of procedural coercion in court proceedings

Article 270

(1) The issue about the reformation of the remand measure may be raised at any time during court proceedings. A new request in relation to the remand measure in the respective instance may only be made in the presence of change in the underlying circumstances.

(2) (Amended, SG No. 63/2017, effective 5.11.2017, supplemented, SG No. 110/2020,

effective 30.06.2021) The court shall pronounce by a ruling in a public hearing. In case of a declared state of emergency, war footing, disaster, epidemic, other force majeure circumstances or at the written request of the defendant and his defence counsel, and at the discretion of the court, the defendant may participate in the proceedings through a videoconference, in which case his identity shall be verified by the prison director or by his representative.

(3) The court shall also rule in respect to requests regarding the prohibition on the defendant from leaving the territory of the Republic of Bulgaria and his/her removal from office in pursuance of Paragraphs 1 and 2.

(4) The ruling under Paragraphs 2 and 3 shall be subject to appeal and protest in pursuance of Chapter twenty-two.

Section II
Actions to allow the case to progress at court hearing

Deciding on the issue of allowing the case to progress

Article 271

(1) After opening the court hearing in the case, the presiding judge shall check whether all persons summonsed have appeared, and if some have failed to appear - the reasons therefore.

(2) The court hearing shall be adjourned where one of the following fails to appear:

1. the prosecutor;

2. the accused party, should the appearance of the latter be mandatory, except in cases under Article 269, paragraph (3);

3. the defence counsel, where his/her replacement is not possible by another without infringing upon the right to defence of the accused party.

(3) In presence of more than one defence counsel, failure of one of them to appear shall not be grounds for continuance of the hearing.

(4) (Amended, SG No. 63/2017, effective 5.11.2017) Where the private complainant fails to appear without valid reasons, the court shall apply Article 24, Paragraph (5), Item 5.

(5) The court hearing shall not be adjourned, if the victim or his/her heirs were not found at the address they had indicated for the service of process in this country.

(6) (Repealed, SG No. 63/2017, effective 5.11.2017).

(7) Where the private prosecutor or the counsel thereof, the civil plaintiff or the counsel thereof, the civil respondent or the counsel thereof, fails to appear without valid reasons, the court shall examine the case in their absence, and where they fail to appear for valid reasons, the court hearing shall be adjourned, unless it has been expressly requested that the hearing continue.

(8) The failure of a witness or an expert to appear shall not be reason for adjourning the court hearing, should the court consider that even without them the circumstances in the case can be elucidated.

(9) In all cases of failure of summonsed persons to appear the court shall hear out the parties on the issue whether to proceed with examination of the case.

(10) In all cases of adjournment of the hearing, it shall be scheduled within a reasonable period, but not later than three months.

(11) (Amended, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 63/2017, effective 5.11.2017) Where the case is adjourned because of the non-appearance without good reason of a party, witness, or expert the court shall fine them up to BGN 1000. The court ruling whereby the court refuses to repeal the fine shall be subject to appeal and protest in accordance with the procedure established by Chapter Twenty-Two.

Verification of the identity of persons who have appeared

Article 272

(1) The presiding judge shall verify the identity of the accused party, asking the latter about

his/her full name, date and place of birth, nationality, citizenship, domicile, education, family status and his/her single registration number, as well as whether the accused party has been previously convicted.

(2) In the event of doubt in the identity of the defendant, he/she may be identified using photographs or information from citizens with established identity who know the person.

(3) After that, the presiding judge shall also verify the identity of the other persons that have appeared, whereas in the cases under Article 123, paragraph (2), item 2 this shall be done in such a way that does not allow disclosure of the identity of the witness.

(4) (Amended, SG No. 63/2017, effective 5.11.2017, SG No. 110/2020, effective 30.06.2021) The presiding judge shall also verify whether the copies and notifications under Articles 247c have been served.

Removal of the witnesses from the courtroom

Article 273

(1) The witnesses shall be removed from the courtroom until their interrogation, with the exception of those who take part in the proceedings as private prosecutors, civil claimants and civil defendants.

(2) In the cases under Article 123, paragraph (2), item 2, the witnesses shall not be present in the courtroom.

Disqualification

Article 274

(1) (Amended, SG No. 9/2021, effective 6.02.2021) The presiding judge shall explain to the parties their right to raise disqualifications against members of the court panel, the prosecutor, the defence counsel and the secretary, the experts, the translator and the Bulgarian sign interpreter, as well as their right to raise objections against the interrogation of certain witnesses.

(2) After the court makes pronouncement on the disqualifications and objections, the presiding judge shall explain to the parties their rights provided by this Code.

New requests

Article 275

(1) The parties may make new requests relevant to the evidence and the procedure of judicial trial.

(2) The court shall make pronouncement on the requests, after hearing the parties.

Section III
Judicial trial

Conducting the judicial trial

Article 276

(1) (Supplemented, SG No. 63/2017, effective 5.11.2017, amended, SG No. 7/2019) Pre-trial proceedings shall be conducted by the judge presiding the court panel and shall begin with a report stating the grounds for the opening of the judicial proceedings and the lodged civil claims.

(2) (Amended, SG No. 7/2019) The presiding judge shall give the prosecutor, the private claimant and the civil claimant an opportunity to state the circumstances laid down in the indictment and in the lodged claims.

(3) The presiding judge shall ask the defendant whether he/she has understood the charges.

Interrogation of the defendant

Article 277

(1) The presiding judge shall ask the defendant to give explanations on the indictment.

(2) The defendant may give explanations at any time of the judicial trial.

(3) The defendant shall be asked questions, first by the prosecutor or the private complainant, the private prosecutor, the counsel thereof, the civil claimant and the counsel thereof, the civil respondent and the counsel thereof, the other defendants and their defence counsels, and by the defence counsel of the defendant.

(4) The presiding judge and the members of the panel may question the defendant after the parties have finished with their questions.

Interrogation of the defendant in the absence of the other defendants

Article 278

(1) Questioning of a defendant in the absence of other defendants shall be allowed where this is necessary for the discovery of the objective truth.

(2) Upon return of the defendant to the courtroom, the presiding judge shall familiarise him/her with the explanations given in his/her absence, by reading out the record of the court.

Reading out the explanations of the accused party or the defendant

Article 279

(1) Depositions of the accused party or defendant given in the same case at the pre-trial proceedings before a judge or before another court panel, shall be read out where:

1. the defendant has died and the case has been allowed to progress with regard to the other defendants

2. the case is being tried in the absence of the defendant;

3. there is substantial contradiction between the explanations given at the pre-trial proceedings and those given at the judicial trial;

4. the defendant refuses to give explanations or alleges that he/she does not remember something.

(2) (New, SG No. 32/2010, effective 28.05.2010) The accused party's explanations given in the presence of a defence counsel in the same case before a pre-trial authority shall be read out under the conditions referred to in Paragraph 1(3) and (4). In cases of a single defendant, the explanations shall be read out under the aforementioned conditions, as well as the conditions laid down in Paragraph 1(2).

(3) (New, SG No. 32/2010, effective 28.05.2010) Where explanations given in the presence of a defence counsel in the same case before a pre-trial authority concern a charge pressed upon another defendant, the explanations may be read out as per Paragraph 1(1) and (2) only upon the defendant's consent to this end. Prior to obtaining the defendant's consent, the court shall make it clear to the former that the explanations, once read out, may be used when handing down the sentence. In order to proceed with this trial act, the court shall appoint a defence council for the defendant, upon the latter's request, if the defendant doesn't have one.

(4) (New, SG No. 32/2010, effective 28.05.2010) The conviction may not be based only on explanations read out as per the procedure laid down in Paragraphs 2 and 3.

(5) (Renumbered from Paragraph 2, SG No. 32/2010, effective 28.05.2010) The use of sound and video recordings shall not be allowed before the explanations of the defendant have been read out.

Interrogation of witnesses

Article 280

(1) First, the witnesses called by the prosecution shall be interrogated, and then the other witnesses. Where necessary, the court may change this order.

(2) The questions shall be put to the witnesses in the order established under Article 277, paragraph (3) and (4). The party that has called the witness shall put questions before the other parties.

(3) (Amended, SG No. 32/2010, effective 28.05.2010) Interrogated witnesses shall not be

allowed to leave the courtroom before completion of the judicial trial, except by permission of the court, granted after hearing the parties. In cases under Articles 141 and 141a, the witness shall remain at the disposal of the court in suitable premises out of the courtroom.

(4) After giving their testimonies, witnesses who are underage shall be removed from the courtroom, unless the court rules otherwise.

(5) (Amended, SG No. 32/2010, effective 28.05.2010) In the cases under Articles 141 and 141a, the interrogation of the witnesses shall be conducted in a way that does not allow disclosure of their identity.

(6) (New, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 63/2017, effective 5.11.2017) Any under age witness or witness with specific protection needs who has been interrogated in the course of the criminal proceedings may be interrogated again only where the witness's depositions cannot be read as per the conditions and the procedure laid down in Article 281, or where the new interrogation is crucial to discover the truth. The interrogation shall be conducted after measures have ben taken to avoid contact with the defendant, including in specially equipped premises.

Reading out depositions of witnesses

Article 281

(Amended, SG No. 32/2010, effective 28.05.2010)

(1) Depositions of witnesses given in the same case at the pre-trial proceedings before a judge or before another court panel, shall be read out where:

1. there are substantial contradictions between them and those given at the judicial trial;

2. the witness refuses to testify or alleges that he/she does not remember something;

3. a duly summonsed witness cannot appear before court for a long or indefinite period of time, and it is not necessary or the witness cannot be interrogated by letters rogatory;

4. the witness cannot be found to be summonsed, or has died.

5. the witness fails to appear, and the parties agree with that.

6. (supplemented, SG No. 63/2017, effective 5.11.2017) the witness is under age or has specific protection needs, and the accused party and the latter's defence counsel have attended the witness's interrogation.

(2) In pursuance of the procedure under Paragraph 1 the explanations made in the same case by an accused party could be read out, where said party is interrogated on grounds of Article 118, paragraph 1, item 1.

(3) Subject to the conditions referred to in Paragraph 1, items 1 - 6, the testimony of a witness deposited before a pre-trial authority may be read out in cases where both the accused party and the latter's defence counsel, if such is authorised or appointed, have participated in the interrogation. In the case of more than one defendant, reading out the depositions requires the consent of those defendants who have not been summonsed for the interrogation or who have showed good cause for not appearing and., additionally, the depositions need to concern the charges pressed upon the said defendants.

(4) Where the witness's testimony deposited before a pre-trial authority cannot be read out as per the procedure laid down in Paragraph 3, the testimony shall be read out if the conditions under paragraph 1(1) or (2) have been met.

(5) Subject to the conditions referred to in Paragraph 1, items 1 - 6, the witness's testimony deposited before a pre-trial authority may be read out upon the consent of the defendant and the latter's defence counsel, the civil claimant, the private prosecutor and their counsels.

(6) Subject to the conditions referred to in Paragraph 1, items 1 - 6, the witness's testimony deposited before a pre-trial authority may be read out upon the request of the defendant or the latter's defence counsel, where their request under Article 223(4) has not been granted.

(7) In the cases under Paragraphs 3 and 5, prior to obtaining the defendant's consent to read out the depositions, the court shall make it clear that the depositions, once read, may be used when handing down the sentence. In order to proceed with this trial act, the court shall appoint a defence

council for the defendant, upon the latter's request, if the defendant doesn't have one.

(8) The conviction may not be based only on depositions read out as per the procedure laid down in Paragraph 4.

(9) The use of sound and video recordings shall not be allowed before the explanations of the witness have been read out.

(10) Where the witness has been interrogated by letter rogatory, the record of interrogation shall be read out.

Interrogation of an expert witness

Article 282

(1) Questions shall be posed to the expert after the expert's report has been read out.

(2) Questions shall be asked in the order set out in Article 277, paras 3 and 4.

(3) The interrogation of an expert witness may not take place, where the latter fails to appear and the parties do not object thereto.

Reading out records and other documents

Article 283

The court shall read out the records of the observation on site and of physical examination, of search and seizure, of re-enactment of the crime, and of identification of persons and objects, as well as the other documents enclosed with the case-file, if they contain facts of significance for elucidating the circumstances in the case.

Presentation of material evidence

Article 284

The material evidence shall be presented to the parties and where it is necessary - to the expert and to the witnesses as well.

Observation on site

Article 285

Observation on site shall be conducted by the entire constitution of the court in the presence of the parties, and where necessary - also in the presence of the expert and witnesses.

Conclusion of the judicial trial

Article 286

(1) Where all investigative actions have been conducted, the judge presiding over the panel shall ask the parties if they have any requests for undertaking new investigative actions, needed for the objective, comprehensive and full elucidation of the circumstances in the case.

(2) If the parties do not make any requests or if those made are found unjustified, the presiding judge shall declare the judicial trial completed.

Modification of the indictment

Article 287

(1) (Amended, SG No. 32/2010, effective 28.05.2010) Where, in the course of the judicial trial, the prosecutor has found grounds for substantial changes in the factual part of the indictment or grounds to apply a law regulating a more severely punishable crime, the prosecutor shall issue a new indictment.

(2) (Amended, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011; amended, SG No. 32/2022, effective 27.07.2022) The court shall terminate the criminal proceedings and send the case-file to the respective public prosecutor when the new indictment is for a crime falling under the jurisdiction of a higher court or a military court.

(3) Besides the cases under paragraph (2) the court shall adjourn the hearing should the parties request so in order to prepare themselves for the new indictment.

(4) In the event of substantial changes in the factual part of the charges, the provisions of Article 279 shall not apply to explanations given before the new charges were presented.

(5) Where in the course of the judicial trial the prosecutor or the private prosecutor finds out that it refers to an offence prosecuted under a complaint of the victim and the criminal proceedings were instigated prior to the expiry of the time limit under Article 81 (3), the prosecutor on grounds of Article 48 or the private prosecutor may ask the court to make pronouncement in the sentence as well with regard to the offence which is prosecuted upon complaint of the victim.

(6) Where the criminal proceedings have been instituted following a complaint of the victim and in the course of judicial trial a substantial change in the factual part of the indictment is established, the private complainant may press a new charge, provided that the time limit under Article 81, paragraph (3) has not expired. In this case the court shall adjourn the hearing, if the defendant or his/her defence counsel requests so in order to prepare themselves for the new indictment.

(7) Where the criminal proceedings have been instigated on the grounds of a complaint by the victim and in the course of judicial trial it is established that the crime is publicly actionable, the court shall terminate the criminal proceedings and shall forward the case-file to the respective prosecutor.

Termination of court proceedings and return of the case-file to the prosecutor

Article 288

(1) (Amended, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, previous text of Article 288, SG No. 42/2015, amended, SG No. 63/2017, effective 5.11.2017, SG No. 32/2022, effective 27.07.2022) The court shall terminate the judicial proceedings and forward the case file to the respective prosecutor, where in the course of the judicial trial it is established that the crime is subject to examination by a higher standing court or a military court.

(2) (New, SG No. 42/2015, repealed, SG No. 63/2017, effective 5.11.2017).

Termination of criminal proceedings at a court hearing

Article 289

(1) (Amended, SG No. 63/2017, effective 5.11.2017) The court shall terminate the criminal proceedings in cases under Article 24, Paragraph (1), Items 2 – 10, and Paragraph (5).

(2) Where at court hearing the presence of grounds under Article 24, paragraph (1), items 2 and 3 is revealed, and the defendant makes a request for the proceedings to continue, the court shall make a pronouncement by issuing a sentence.

(3) Where the criminal proceedings are terminated, the court shall rule on the material evidence, shall revoke the remand measures imposed on the defendant, and the measure to secure the civil claim - where grounds for its imposition no longer exist.

(4) The ruling shall be subject to appeal and protest under the terms and conditions of Chapter twenty-one.

Termination and suspension of criminal proceedings at a court hearing

Article 290

(1) The court shall suspend the criminal proceedings in the cases under Article 25 and 26.

(2) The ruling shall be subject to appeal and protest in pursuance of Chapter twenty-two.

Section IV
Court debates

Order of court debates

Article 291

(1) Upon completion of judicial trial the court shall proceed to hearing court debates.

(2) Court debates shall start with a speech of the public prosecutor, or the private complainant, respectively. Afterwards the floor shall be consequently given to the private prosecutor and the counsel thereof, the civil claimant and the counsel thereof, the civil defendant and the counsel thereof, the defence counsel and the defendant.

Data to which reference may be made in court debates

Article 292

The parties participating in court debates may refer only to evidence collected and verified in the course of judicial trial, pursuant to the procedure established in this Code.

Statement by the prosecutor that he/she does not maintain the indictment

Article 293

The statement by the prosecutor that criminal proceedings should be terminated or that a sentence of acquittal should be issued, shall not exempt the court from the obligation to make pronouncement in accordance with their inner conviction.

Re-opening of judicial trial

Article 294

(1) The parties may request that new investigative actions be taken.

(2) Should it consider the request justified, the court shall terminate court debates, re-open judicial trial and, after completion of the new investigative actions, resume the hearing of court debates.

Right of rebuttal

Article 295

(1) Each party shall have the right to rebuttal in respect of the allegations and arguments of the other parties.

(2) The defence counsel and the defendant shall have the right to last rejoinder.

Ban against restriction of court debates in time

Article 296

(1) The court may not limit the time of court debates.

(2) The presiding judge may interrupt the parties only where they obviously deviate to issues not relevant to the case.

Section V
Last plea of the defendant

Securing the right of the defendant to last plea

Article 297

(1) After completion of court debates, the presiding judge shall give the defendant the right to last plea.

(2) The court shall be obligated to provide the defendant with ample opportunity to express his/her final attitude towards the indictment in the last plea.

(3) The defendant may not be subjected to interrogation in the course of the last plea.

Ban against restriction of the last plea in time

Article 298

(1) The court may not limit the time for the last plea of the defendant.

(2) The presiding judge may interrupt the defendant only in case of obvious deviation into matters not relevant to the case.

Re-opening of judicial trial
Article 299

If the defendant reveals new data in the course of the last plea, which are of significance to the case, the court shall re-open the judicial trial and shall again hear the debates of the parties and the last plea of the defendant.

Section VI
Pronouncement of the sentence

Withdrawal of the court for deliberations
Article 300

After hearing the last plea of the defendant, the court shall withdraw for secret deliberation in order to pronounce the sentence.

Issues to be considered by the court in pronouncing the sentence
Article 301

(1) In pronouncing the sentence, the court shall consider and decide on the following issues:

1. whether there is an act done, was it perpetrated by the defendant, and was it culpably perpetrated;

2. whether the act constitutes a crime and whether its qualification is correct;

3. whether the defendant is subject to punishment, what punishment needs to be determined, and in cases under Article 23 - 25 and 27 Criminal Code, what aggregate punishment to be imposed on him/her;

4. whether there are grounds for exemption from criminal responsibility under Article 61, paragraph (1) and Article 78a, paragraph (1) of the Criminal Code;

5. whether the defendant should be exempted from serving the punishment, what must be the probation period in case of conditional sentencing, and in the cases under Article 64, paragraph (1) of the Criminal Code - what educative measure should be imposed;

6. (supplemented, SG No. 27/2009, effective 1.06.2009, amended, SG No. 13/2017, effective 7.02.2017) what initial regime shall be set for serving the punishment of deprivation of liberty;

7. who should be entrusted with the educational work in the cases of conditional sentencing;

8. (amended, SG No. 109/2008) whether the conditions under Articles 68 through 69a and Article 70(7) of the Criminal Code are at hand, and what punishment should the defendant serve;

9. whether the grounds pursuant to Article 53 of the Criminal Code are at hand;

10. should the civil claim be honoured and to what extent;

11. how to dispose of the pieces of material evidence;

12. who should be charged with the costs of the case.

(2) Where the defendant has been charged with several crimes, or several persons have participated in the perpetration of one or several crimes, the court shall consider and decide on the issues under paragraph (1) for each person and for each crime separately.

(3) Where the court has omitted to make pronouncement on the civil claim, the court shall make such pronouncement by an additional sentence within the term fixed for appeal.

(4) (New, SG No. 63/2017, effective 5.11.2017) When deciding on the issue specified in Item 2 of Paragraph (1), the court shall also make a pronouncement as to whether the committed act constitutes an administrative violation.

Re-opening of judicial trial
Article 302

Where in the course of deliberations the court finds that the circumstances in the case have

not been sufficiently elucidated, it shall re-open the judicial trial.

Finding the defendant guilty

Article 303

(1) Sentences may not be based on supposition.

(2) The court shall find the defendant guilty where the accusation is proved beyond doubt.

Finding the defendant not guilty

Article 304

The court shall find the defendant not guilty where it is not established that the act has been committed, that it has been committed by the defendant or that it has been culpably committed by the defendant, as well as where the act does not constitute a crime.

Content of the sentence

Article 305

(1) Sentences shall be issued in the name of the people.

(2) The introductory part of a sentence shall specify: the date of its issuance; the court, the names of the members of the court panel, of the secretary and of the prosecutor; the case in which the sentence is issued; the name of the defendant and the offence in respect to which charges were pressed.

(3) The reasoning shall specify which circumstances are considered ascertained, on the basis of what evidentiary materials, and what are the legal considerations for the decision taken. In presence of contradictory evidence material, arguments need to be submitted why some are credited and others - rejected.

(4)The operative part of the sentence shall contain data about the identity of the defendant and the decision of the court on issues set forth under Article 301. The court before which the sentence may be appealed and within what term shall also be Designated therein.

(5) In cases of Article 21, paragraph (1), items 2 and 3 in combination with Article 289, paragraph (2), the court shall find the defendant guilty and shall apply the respective provisions on amnesty or prescription; in the cases under Article 61, paragraph (2), proposal one of the Criminal Code, the court shall find the defendant guilty, exempt him/her from criminal responsibility and impose educative measure thereon; in the cases under Article 78a of the Criminal Code, it shall find the defendant guilty, exempt him/her from criminal responsibility and impose an administrative sanction on him/her.

(6) (New, SG No. 63/2017, effective 5.11.2017) In the cases provided for in Article 301, Paragraph (4) the court shall find the defendant not guilty and shall impose upon him/her an administrative penalty, where the committed act is punishable by administrative procedure in the cases provided for in the special part of the Criminal Code, or where it constitutes an administrative violation provided for by a law or decree.

(7) (Renumbered from Paragraph (6), SG No. 63/2017, effective 5.11.2017) An acquitting sentence may not contain expressions which cast doubt on the innocence of the acquitted.

Matters on which the court may make pronouncement by ruling

Article 306

(1) The court may also make its pronouncement by ruling on matters regarding:

1. fixing an aggregate punishment pursuant to Articles 25, 27, and the application of Article 53 of the Criminal Code;

2. (supplemented, SG No. 27/2009, effective 1.06.2009, amended, SG No. 13/2017, effective 7.02.2017) the initial regime for serving the punishment of deprivation of liberty, where the court has omitted to do so in the sentence;

3. (supplemented, SG No. 32/2010, effective 28.05.2010) whether the conditions under Articles 68, 69, 69a and 70, paragraph (7) of the Criminal Code are at hand, and what punishment

the defendant is to serve; the court of first instance that handed down the suspended custodial sentence shall rule on the application of Article 68(3) of the Criminal Code, and the district court that handed down the parole shall rule on the application of the first sentence, second proposal of Article 70(7) of the Criminal Code;

4. the material evidence and the costs of the ease.

(2) In the cases of items 1 to 3 of paragraph (1), the court shall make its pronouncement at a court hearing to which the convicted shall be summonsed.

(3) The ruling under Paragraph 1, items 1 - 3 may be appealed and protested in pursuance of Chapter twenty-one, and the one under Paragraph 1, item 4 - in pursuance of Chapter twenty-two.

Pronouncement on the civil claim

Article 307

The court shall make pronouncement on the civil claim also where it finds the defendant not guilty, criminal responsibility being extinct, or where the defendant should be exempted from criminal responsibility.

Time limit for setting forth the reasons of the sentence

Article 308

(1) Reasoning may be prepared after announcement of the sentence, but not later than fifteen days thereof.

(2) (Amended, SG No. 63/2017, effective 5.11.2017) In cases of factual and legal complexity reasoning may be set forth after pronouncement of the sentence, but not later than sixty days.

Pronouncement on remand measures and on the measure for securing the civil claims, the fine and the confiscation

Article 309

(1) After issuing the sentence, the court shall also make pronouncement on the remand measure.

(2) (New, SG No. 42/2015) When the defendant is found guilty and given a custodial sentence the execution of which has not been suspended under Article 66 of the Criminal Code and there is a real risk that the defendant will abscond, the court may substitute the remand measure with a heavier one or may impose a heavier measure.

(3) (New, SG No. 42/2015) When the defendant is found guilty and given a sentence of at least ten years of imprisonment, or a heavier punishment, there is a real risk that the defendant will abscond, unless the evidence in the case indicates otherwise.

(4) (Renumbered from Paragraph 2, SG No. 42/2015) Where the defendant has been exempted from criminal responsibility, conditionally sentenced, convicted to punishment less severe than deprivation of liberty, or acquitted, the remand measure shall be rescinded or replaced with the least severe measure provided for by law. In this case the detained defendant shall be released in the courtroom.

(5) (Renumbered from Paragraph 3, supplemented, SG No. 42/2015) Where the defendant is acquitted, the court shall also make pronouncement on the measure for securing the civil claim, the costs of the proceedings, the fine and the confiscation.

(6) (Renumbered from Paragraph 4, amended, SG No. 42/2015) The ruling pursuant to paragraph 2 - 5 is subject to appeal a protest under the terms and conditions of Chapter XXII.

Signature and pronouncement of the sentence

Article 310

(1) (Amended, SG No. 110/2020, effective 30.06.2021) The sentence shall be prepared in the unified information system of the courts and shall be announced by the presiding judge

immediately after it is signed with a qualified electronic signature by all members of the panel.

(2) (Supplemented, SG No. 63/2017, effective 5.11.2017) Where the preparation of reasoning has been postponed, the presiding judge shall only announce the operative part, signed by all members of the panel, and the time limit for preparing the reasoning as per Article 308. Court assessors need to mandatorily sign the reasoning, where the sentence has been signed with a dissenting opinion.

(3) (Amended, SG No. 63/2017, effective 5.11.2017) The dissenting opinion shall be noted down upon signature of the sentence, of its operative part respectively, and shall be set forth in writing within the time limits set as per Article 308.

(4) When the punishment of imprisonment has been imposed on the national of another state and the Republic of Bulgaria has a treaty for the transfer of sentenced persons with that state, the court shall notify the sentenced person of the possibility to request serving the punishment imposed in the state whose national he or she is.

(5) (New, SG No. 41/2015, effective 6.07.2015) In the cases of a probation measure imposed under Article 42b(3), Item 1 of the Criminal Code, the court shall notify the victim about the possibility to have a European protection order issued.

Section VII
Record of the court hearing

Content of the record

Article 311

(1) Further to data under Article 129, paragraph (1), the record of the court hearing shall include:

1. names of persons who have failed to appear and the reasons therefore;
2. data about the personality of the defendant; the date on which a copy of the indictment or of the complaint have been served on the defendant together with the order;
3. explanations of the defendant, testimonies of witnesses and reports of expert witnesses;
4. all orders of the presiding judge and rulings of the court;
5. the documents and records read out, as well as the film, sound or video recordings used;
6. summary of the court debates and of the last plea of the defendant;
7. the pronouncement of the sentence pursuant to the respective procedure and the explanations of the presiding judge about the procedure and term of appeal thereof.

(2) (Amended, SG No. 110/2020, effective 30.06.2021) The minutes of the court hearing shall be prepared in the unified information system of the courts and shall be signed with a qualified electronic signature by the presiding judge and the secretary.

(3) The court may also order the preparation of a sound and video recording of the court hearing subject to the provisions of Article 237-239.

Corrections and supplements to the record

Article 312

(1) The parties shall have the right to make requests in writing for corrections and supplements within three days following the date of preparation of the record.

(2) The requests shall be examined by the presiding judge, and where the presiding judge refuses to grant them - by the panel of the court sitting in camera.

Chapter twenty-one
INTERMEDIATE APPELLATE REVIEW PROCEEDINGS

Section I
General provisions

Subject matter of the intermediate appellate review
Article 313

The intermediate appellate review instance shall verify the correctness of the sentence that has not entered into force.

Limits of the intermediate appellate review
Article 314

(1) The intermediate appellate review instance shall verify in full the correctness of the sentence, irrespective of the grounds pointed out by the parties.

(2) The intermediate appellate review instance shall also revoke or modify the sentence in the section that has not been appealed, as well as with respect to the persons who have not filed an appeal, provided there are grounds therefore.

Evidence which shall be allowed in the intermediate appellate review instance
Article 315

The intermediate appellate review instance shall allow all evidence that can be collected under the terms and procedures set forth in this Code.

Establishment of a new factual situation
Article 316

The intermediate appellate review court may establish the existence of a new factual situation.

Application of the rules for the first instance
Article 317

The rules for first instance proceedings shall apply, insofar as this Chapter does not contain any special rules.

Section II
Institution of proceedings before the intermediate appellate review instance

Right to appeal or protest
Article 318

(1) Proceedings before the intermediate appellate review instance shall be instituted by protest of the prosecutor or by appeal of the parties.

(2) (Amended, SG No. 32/2010, effective 28.05.2010) The prosecutor shall file a protest where he/she finds that the sentence is wrong.

(3) The defendant may appeal the sentence in all its sections. The defendant may also appeal it only with regard to the reasons and the grounds for acquittal.

(4) The private complainant and the private prosecutor may appeal the sentence if their rights and legal interests have been infringed upon. They may not file appeal against the sentence where

it has been issued in accordance with the requests they had made.

(5) The civil claimant and the civil defendant may appeal the sentence only with regard to the civil claim, if their rights and legal interests have been infringed upon.

(6) Appeals may be filed also by the counsels.

Terms and procedures for filing appeal and protest

Article 319

(1) Appeals and protests shall be filed within 15 days after the announcement of the sentence.

(2) Appeals and protests shall be filed through the court which has pronounced the sentence.

Form and content of the appeal and protest

Article 320

(1) (Supplemented, SG No. 110/2020, effective 30.06.2021) The appeal and protest shall be made in writing. They can be submitted electronically. They shall specify: the court to which they are addressed; the name of the author and the request which is being made. The appeal and protest shall indicate the circumstances which have not been elucidated and the evidence to be collected and verified by the intermediate appellate review court.

(2) (New, SG No. 63/2017, effective 5.11.2017) No objections can be made in the appeal and protest to material violations of the procedural rules in the course of pre-trial proceedings, except to violations relating to the admissibility, collection, examination and assessment of evidence and objective forms of evidence.

(3) (Renumbered from Paragraph (2), SG No. 63/2017, effective 5.11.2017, supplemented, SG No. 110/2020, effective 30.06.2021) The appeal and the protest shall be signed by the author, and if they were submitted electronically shall be signed with a qualified electronic signature.

(4) (Renumbered from Paragraph (3), SG No. 63/2017, effective 5.11.2017) The parties may file additional written statements for the purpose of supplementing the arguments and considerations expounded in the appeal and the protest, by the time the case is allowed to progress at a court hearing.

(5) (Renumbered from Paragraph (4), SG No. 63/2017, effective 5.11.2017, supplemented, SG No. 110/2020, effective 30.06.2021) Copies shall be enclosed with the appeal and protest, according to the number of the interested parties with the exception of those submitted electronically.

(6) (Renumbered from Paragraph (5), SG No. 63/2017, effective 5.11.2017, amended, SG No. 110/2020, effective 30.06.2021) Where several persons have been summonsed as defendants in the capacity of accomplices, each of them may join the appeal already filed by the other, by making an oral, written or electronic request signed with a qualified electronic signature not later than the moment the case has been allowed to progress.

Notices of appeal and protest

Article 321

The court through which the appeal and the protest have been lodged shall immediately advise the parties concerned, sending them copies thereof.

Written objections by the parties

Article 322

(Amended, SG No. 110/2020, effective 30.06.2021) The parties may file written objections against the appeal or protest also electronically, signed with a qualified electronic signature filed until the case is allowed to proceed before the intermediate appellate review instance.

Return of the appeal and the protest

Article 323

(1) The first-instance court judge shall return the appeal and protest where:

1. (amended, SG No. 63/2017, effective 5.11.2017) they do not comply with the requirements under Article 320, Paragraphs (1) and (3), if the omission or discrepancy is not remedied within seven days after the invitation;

2. they have not been filed within the term under Article 319 (1);

3. they have not been filed by a person entitled to appeal or protest the sentence.

(2) (Amended, SG No. 63/2017, effective 5.11.2017) The return of the appeal and the protest shall be subject to appeal under the terms and conditions of Chapter Twenty-Two.

Withdrawal of the appeal and the protest

Article 324

(1) The appeal and the protest may be withdrawn by the appealer or the prosecutor who participates in the hearing at the intermediate appellate review instance, prior to the beginning of judicial trial, and where such is not carried out, prior to the commencement of court debates. The protest may be withdrawn as well by the prosecutor who has made it, prior to the institution of proceedings before the intermediate appellate review instance.

(2) The defence counsels may not withdraw the appeal without consent of the defendant and counsels - without consent of their mandators respectively.

Forwarding the case-file to the appellate review instance

Article 325

The case-file together with the appeals, protests and objections received shall be forwarded to the intermediate appellate review instance after the expiry of the term under Article 319 (1).

Pronouncement of the intermediate appellate review instance court on the withdrawal of the appeal and protest

Article 326

In the cases under Article 324 the intermediate appellate review instance court shall make pronouncement in camera.

Admission of evidence

Article 327

(1) (Amended, SG No. 93/2011) Admission of requested evidence shall be decided upon at a hearing in camera or, when the court finds it appropriate, at a hearing which the parties have been given notice to attend.

(2) The court shall rule on the need for interrogation of the defendant.

(3) Witnesses and expert witnesses interrogated by the first instance court shall be admitted in the intermediate appellate review instance if the court assumes that their repeated interrogation is necessary or where their testimony or conclusions will refer to newly found circumstances.

(4) New witnesses and expert witnesses shall be allowed where the court accepts that their evidence or conclusions will be important for the correct disposition of the case.

(5) (Repealed, SG No. 93/2011).

Section III
Issuance of the judgement

Summonsing the parties

Article 328

The parties and the other persons to take part in the intermediate appellate review proceedings shall be summonsed pursuant to the procedure set forth under Articles 178 - 182, except where they have been informed by the first instance court of the date on which the case will be examined.

Participation of the parties in the court hearing
Article 329

(1) Participation of the prosecutor in the court hearing of publicly actionable cases shall be mandatory.

(2) (New, SG No. 42/2015, supplemented, SG No. 63/2017, effective 5.11.2017) The presence of the accused party at the court hearing shall be mandatory in cases with indictment in serious crimes, except in the cases of Article 269, Paragraph (3).

(3) (Renumbered from Paragraph 2, SG No. 42/2015) Failure of the other parties to appear without valid reasons shall not be an obstacle to the examination of the case.

Action for allowing the case to progress
Article 330

After the start of the court hearing, the court shall hear the parties on allowing the case to progress and rule on the requests, comments and objections.

Report by the judge-rapporteur
Article 331

(1) The appeal and the protest shall be examined at a court hearing.

(2) The examination of the case shall start with a report by the judge-rapporteur.

(3) The substance of the sentence and the content of the appeals, the protests and objections, as well as the allowed evidence shall be Expounded in the report.

Judicial trial
Article 332

For the purposes of judicial trial the court may use all techniques for collecting and verifying the allowed evidence.

Court debates and last plea of the defendant
Article 333

(1) (Amended and supplemented, SG No. 63/2017, effective 5.11.2017) During the court debates, following the procedure established by Article 291, Paragraph (2), arguments shall be brought forward regarding the sentence issued, the merits of the indictment and the remand measure.

(2) After completion of the court debates, the presiding judge shall give the defendant the right to last plea.

Powers of the intermediate appellate review court
Article 334

The intermediate appellate review court may:

1. (amended, SG No. 44/2018) revoke the sentence and return the case for another examination by the first-instance court;

2. revoke the first-instance court sentence and issue a new sentence;

3. modify the first-instance sentence;

4. (amended, SG No. 32/2010, effective 28.05.2010, supplemented, SG No. 71/2013, amended, SG No. 63/2017, effective 5.11.2017) rescind the sentence and terminate criminal proceedings in cases under Article 24, Paragraph (1), Items 2 to 8a and 10 and Paragraph (5);

5. suspend criminal proceedings in cases under Article 25;

6. confirm the first-instance sentence.

Revocation of the sentence and return of the case for new examination
Article 335

(1) (Amended, SG No. 63/2017, effective 5.11.2017) The appellate court shall revoke the sentence and remit the case to the prosecutor where it is established that the crime for which proceedings have been instituted on the basis of a complaint by a private complainant is publicly actionable.

(2) In cases under Article 348, paragraph 3 the appellate court shall revoke the sentence and remit the case to the first instance, unless it can itself eliminate the violations allowed or these might not be avoided in a new examination of the case.

(3) (New, SG No. 93/2011) Upon recurrence of the conditions under paragraph 2, the appellate court shall not refer the case back but shall rule on its merits.

(4) (Renumbered from Paragraph 3, SG No. 93/2011, amended, SG No. 63/2017, effective 5.11.2017) The appellate court may not revoke sentences under Paragraph (1), Item 2, or revoke a sentence of acquittal under Paragraph (2), if there is no accompanying protest by the prosecutor or appeal by the private complainant or the private prosecutor, correspondingly.

Revocation of the sentence and issuance of a new sentence

Article 336

(1) The intermediate appellate review court shall revoke the sentence and issue a new sentence where it is necessary:

1. to apply the law for a more heavily punishable crime where such charges has been pressed during first-instance proceedings;

2. to sentence an acquitted defendant where such charges have been pressed at first instance;

3. to acquit a defendant sentenced by the first-instance court;

4. (new, SG No. 63/2017, effective 5.11.2017) to find the defendant not guilty and to impose upon him/her an administrative penalty, where the committed act is punishable by administrative procedure in the cases provided for in the special part of the Criminal Code, or where it constitutes an administrative violation provided for by a law or decree.

(2) Powers under paragraph 1, items 1 and 2 shall be exercised in the event of an accompanying protest by the prosecutor, or an appeal by the private complainant or private prosecutor, correspondingly.

(3) (New, SG No. 63/2017, effective 5.11.2017) After issuing the sentence, the court shall also make pronouncement on the remand measure by applying Article 309, Paragraphs (2) to (4).

Modification of the first-instance sentence

Article 337

(1) The intermediate appellate review court may:

1. reduce the punishment;

2. apply a law providing for equally or less heavily punishable crime;

3. exempt the defendant from serving the punishment in accordance with Article 64, paragraph 1 or Article 66 of the Criminal Code;

4. exempt the defendant from criminal liability in accordance with Articles 78 and 78a of the Criminal Code;

5. (new, SG No. 44/2018) reduce or revoke the administrative penalty.

(2) Where a protest or appeal correspondingly by the prosecutor or private complainant or the private prosecutor exist, the appellate court may:

1. increase the punishment;

2. revoke the exemption from serving the punishment under Article 64, paragraph 1 or Article 66 of the Criminal Code;

3. (new, SG No. 44/2018) increase the administrative penalty;

4. (new, SG No. 44/2018) to find the defendant not guilty and to impose upon him/her an administrative penalty, where the committed act is punishable by administrative procedure in the cases provided for in the special part of the Criminal Code, or where it constitutes an administrative violation provided for by a law or decree.

(3) The intermediate appellate review instance may also rule only in respect of the reasons and grounds for acquittal of the defendant or with regard to the civil claim.

Confirmation of the sentence

Article 338

The intermediate appellate review court shall confirm the sentence where it finds that no grounds exist for revoking or modifying it.

Content of the judgement of the intermediate appellate review instance

Article 339

(1) The judgement of the intermediate appellate review court shall indicate: the appeal or protest on which pronouncement has been made; the main content of the sentence, the appeal or the protest; a brief outline of the arguments put forward by the parties at the court hearing, and its judgement on the appeal or the protest.

(2) In the event of confirmation of the sentence, the intermediate appellate review instance shall indicate the grounds for rejecting the arguments in favour of the appeal or the protest.

(3) Where the intermediate appellate review instance issues a new sentence, the requirements of Articles 305 shall apply.

Time limit for drawing up and announcement of the judgement

Article 340

(1) (Supplemented, SG No. 63/2017, effective 5.11.2017) The judgement of the intermediate appellate review instance together with the reasons thereof shall be drawn up not later than thirty days following the court hearing where the case has been announced for adjudication, and in the cases under Article 308, Paragraph (2) – not later than sixty days.

(2) (Amended, SG No. 110/2020, effective 30.06.2021) The judgement together with the reasons thereof shall be announced at a court hearing to which the parties shall be summonsed or the parties shall be notified under the procedure of Article 178 that it has been drawn up.

(3) (New, SG No. 42/2015) When passing a judgement that is subject to cassation review and that amends a criminal conviction on the grounds of Article 337(2), giving a custodial sentence the execution of which has not been suspended under Article 66 of the Criminal Code or a heavier punishment, the court shall rule on the remand measure while applying Article 309(2) or Article 309(3), accordingly. The ruling may be appealed and contested to the Supreme Court of Cassation.

(4) (New, SG No. 42/2015) When passing a final judgement that amends a criminal conviction on the grounds of Article 337(2), giving a custodial sentence the execution of which has not been suspended under Article 66 of the Criminal Code or a heavier punishment, the intermediate appellate review court shall immediately forward a copy of the judgment to the prosecutor.

(5) (New, SG No. 42/2015) Once given a copy of the enforced judgment, the prosecutor of the prosecutor's office corresponding to the intermediate appellate review court may order that the person concerned be taken to the prison which falls under the jurisdiction of the court or to the prison which is in the closest proximity to the place where the court has its seat. In these cases, the prosecutor who has issued the order shall notify the first-instance prosecutor who shall take action for executing the sentence upon receiving it from the court.

Chapter twenty-two
PROCEDURE BEFORE THE INTERMEDIATE APPELLATE REVIEW INSTANCE FOR VERIFICATION OF COURT RULINGS

AND ORDERS

Acts subject to verification
Article 341

(1) (Supplemented, SG No. 32/2010, effective 28.05.2010) The rulings and orders, which terminate the criminal proceedings, as well as the rulings under Article 306, paragraph 1, item 1 - 3, Article 431, 436, Article 452(1) and Article 457(2) shall be verified under the terms and conditions of Chapter twenty-one.

(2) The rulings and orders for which this has been expressly provided for by law shall be reviewed in pursuance of the procedure under this Chapter.

(3) All other rulings and orders shall not be subject to review by the intermediate appellate review instance court apart from the sentence.

Time limit for filing accessory appeal and protest and objections thereto
Article 342

(1) Accessory appeals and protests from acts under Article 341, Paragraph 2 shall be filed within 7 days following the pronouncement, and where such acts were made in camera - within 7 days following service of a copy thereof.

(2) The defendant shall be informed of the accessory protest filed and can raise objections within 7 days following notification.

Effect of the accessory appeal and protest
Article 343

Accessory appeals and protests shall not suspend proceedings in the case and the execution of the ruling, unless the first or intermediate appellate review instance courts rule otherwise.

Revocation of the ruling by the court which has pronounced it
Article 344

The court which has issued a ruling may revoke or modify it itself at a hearing in camera. The court shall otherwise send the case to the intermediate appellate review instance together with the accessory appeal or protest received.

Procedure for examining accessory appeals and protests
Article 345

(1) The intermediate appellate review instance court shall examine accessory appeals and protests in camera within 7 days, and should it find necessary - at a court hearing to which the parties shall be summonsed, to be scheduled within a reasonable time, but not more than a month.

(2) Should it revoke the ruling, the intermediate appellate review instance court shall decide on the matters raised in the accessory appeal and protest.

(3) Insofar as there are no special rules in this Chapter, the rules of procedure under Chapter twenty-one shall apply.

Chapter twenty-three
CASSATION PROCEEDINGS

Subject matter of cassation appeals
Article 346

The following may be subject to cassation appeal:

1. new sentences and judgements of the intermediate appellate review instance court, except

for those which exempted the offender from criminal responsibility by imposing an administrative sanction on the grounds of Article 78a of the Criminal Code and those under Article 334, items 1;

2. (supplemented, SG No. 63/2017, effective 5.11.2017) new sentences issued by the District Court as an intermediate appellate review instance court for publicly actionable cases, except those, whereby the perpetrator has been exempted from criminal responsibility by imposing an administrative sanction on the grounds of Article 78a of the Criminal Code;

3. rulings of the District and Appellate Courts under Article 306, paragraph 1, issued in cases of new sentences;

4. decisions and rulings of the District and Appellate Courts issued for the first time in the course of intermediate appellate review instance court proceedings, whereby the progress of criminal proceedings is terminated, suspended or otherwise barred.

Scope of the cassation inspection

Article 347

(1) The cassation instance shall examine the sentence or judgement only in its appealed section and with respect to the persons who have appealed against it, and it shall make pronouncement within two months.

(2) The cassation instance shall also revoke or modify the sentence or judgement with respect to the defendants who have not lodged an appeal, provided that the grounds therefore are in their favour.

Cassation grounds

Article 348

(1) The sentence and the judgement shall be subject to revocation or modification in the course of cassation proceedings in any of the following cases:

1. breach of law;

2. substantial breach of procedural rules;

3. obviously unfair punishment.

(2) There is a breach of law where the law has been applied wrongly or an applicable law has not been applied.

(3) The breach of procedural rules shall be substantial where:

1. (amended, SG No. 63/2017, effective 5.11.2017) it has led to restriction of the procedural rights of the parties and has not been remedied;

2. there is no reasoning or record of the court hearing of the first instance or the intermediate appellate review instance;

3. the sentence or judgment have been issued by an illegitimate panel;

4. secrecy of deliberations has been infringed upon on the occasion of rendering a sentence or judgment.

(4) A procedural breach which cannot be remedied in the course of new examination of the case shall constitute no grounds for revocation of the sentence.

(5) The punishment shall be obviously unfair where:

1. it is in obvious discrepancy with the public threat of the offence and the offender, the circumstances mitigating and aggravating liability, as well as the objectives of Article 36 of the Criminal Code;

2. conditional sentencing rules have been wrongly applied or their application has been wrongly denied.

Right to cassation appeal and protest

Article 349

(1) Proceedings before the cassation instance shall start at the protest of the prosecutor or the appeal of the other parties.

(2) The prosecutor may lodge a cassation protest in the interest of the accusation as well as

in the interest of the defendant.

(3) The other parties may lodge cassation appeals where their rights and legal interests have been impaired.

Terms and procedures for serving cassation appeals and protests

Article 350

(1) The appeal and the protest against the sentence of the intermediate appellate review court shall be filed within the time limits prescribed by Article 319, paragraph 1.

(2) The appeal and the protest against the judgement of the intermediate appellate review instance court shall be filed within fifteen days from their announcement as provided under Article 340, paragraph (2).

(3) (Supplemented, SG No. 110/2020, effective 30.06.2021) Appeals and protests shall be filed through the court which has pronounced the appealed sentence or judgement. They can be submitted electronically, signed with a qualified electronic signature.

(4) (Supplemented, SG No. 110/2020, effective 30.06.2021) Copies shall be enclosed with the appeal and protest, according to the number of the interested parties with the exception of those submitted electronically.

Content of the cassation appeal and protest

Article 351

(1) The cassation appeal and the protest shall indicate: the author; the sentence, the judgement and the section thereof which is appealed; the cassation grounds and the data supporting them; the request.

(2) (New, SG No. 63/2017, effective 5.11.2017; declared unconstitutional by Decision No. 14 of the Constitutional Court of the Republic of Bulgaria, SG No. 87/2018; amended, SG No. 96/2018) No objections can be made in the cassation appeal and protest to material violations of the procedural rules in the course of pre-trial proceedings, except to violations relating to the admissibility, collection, examination and assessment of evidence and objective forms of evidence.

(3) (Renumbered from Paragraph (2), SG No. 63/2017, effective 5.11.2017, supplemented, SG No. 110/2020, effective 30.06.2021) The appeal and the protest shall be signed by the author, unless they are submitted electronically, signed with a qualified electronic signature.

(4) (Renumbered from Paragraph (3), SG No. 63/2017, effective 5.11.2017, supplemented, SG No. 110/2020, effective 30.06.2021) Any objection against an appeal or a protest or any supplements thereto, may be made in writing before the case is allowed to progress and if the above were submitted electronically, they shall be signed with a qualified electronic signature.

(5) (Renumbered from Paragraph (4), SG No. 63/2017, effective 5.11.2017) The appeal and the protest shall be returned by the judge with the intermediate appellate review court through which they have been served where:

1. (amended, SG No. 63/2017, effective 5.11.2017) they do not comply with the requirements under Paragraphs (1) and (3) and the omission or discrepancy has not been remedied within the 7 day period afforded by a judge with the intermediate appellate review court;

2. they have not been filed by a person entitled to serve an appeal or a protest or within the specified time;

3. they are not subject to cassation proceedings.

(6) (Renumbered from Paragraph (5), supplemented, SG No. 63/2017, effective 5.11.2017) The return of the appeal and the protest shall be subject to appeal within 7 days following notification before the Supreme Court of Cassation which rule in camera.

Withdrawal of the cassation appeal and the protest

Article 352

(1) The appeal and the protest may be withdrawn by the parties which have filed them until

the case is allowed to progress at a court hearing.

(2) The defence counsel may only withdraw his/her appeal with consent of the sentenced person and the counsel - with consent of his/her mandatory.

Examination procedure for cassation appeals and protests

Article 353

(1) The cassation appeal and the protest shall be examined at a court hearing to which the parties shall be summonsed.

(2) The participation of a prosecutor shall be mandatory.

(3) Failure of the other parties to appear without valid reasons shall not be an obstacle to the examination of the case. The case shall be examined in the absence of a party, where the latter has not been located at the address it had indicated.

(4) The report of the judge-rapporteur shall expound the circumstances of the case, the content of the appealed sentence or judgement and the complaints against them.

(5) (Supplemented, SG No. 19/2012, effective 6.03.2012) No judicial trial shall be conducted except in the cases referred to in Article 354, Paragraph 5, sentence two.

(6) Hearings shall be conducted under the terms and conditions prescribed by the court.

Powers of the cassation instance in issuing a judgement

Article 354

(1) After examination of the appeal and the protest filed, the cassation instance may:

1. leave the sentence or the judgement in force;

2. revoke the sentence or the judgement and terminate or suspend the criminal proceedings in cases provided for by law or acquit the defendant in cases under Article 24, paragraph 1, item 1;

3. (new, SG No. 63/2017, effective 5.11.2017) revoke the sentence or the judgement, find the defendant not guilty and impose upon him/her an administrative penalty, where the committed act is punishable by administrative procedure in the cases provided for in the special part of the Criminal Code, or where the act constitutes an administrative violation provided for by a law or decree;

4. (renumbered from Item 3, SG No. 63/2017, effective 5.11.2017) modify the sentence or judgement;

5. (renumbered from Item 4, SG No. 63/2017, effective 5.11.2017) wholly or partially revoke the sentence or judgment and remit the case for new examination.

(2) The cassation instance shall modify the sentence where it is necessary:

1. to reduce the punishment;

2. to apply a law for an equally or less heavily punishable crime;

3. to apply the provisions of Article 64, paragraph 1 or Article 66 of the Criminal Code;

4. to apply a law for a more heavily punishable crime where no increase of the punishment is required provided that charges have been pressed at the first instance;

5. to honour of reject the civil claim where there was a breach of the law, or to increase or decrease the amount of immaterial damages awarded or to terminate proceedings in relation to the civil claim.

(3) (Supplemented, SG No. 32/2010, effective 28.05.2010) The cassation instance shall wholly or partially revoke the sentence and remand the case to the court of first instance or the appellate court, where necessary:

1. to increase the punishment;

2. to eliminate substantial procedural violations;

3. to eliminate violations of the substantive law in the issuance of the acquittal.

(4) (Supplemented, SG No. 63/2017, effective 5.11.2017) The judgement of the cassation instance shall be drawn up in accordance with the rules under Article 339, Paragraphs (1) and (2) and announced not later than thirty days after the court hearing in which the case was announced

for adjudication, and where the case is of factual or legal complexity – not later than sixty days. This judgement shall not be subject to appeal.

(5) (New, SG No. 93/2011) If the appealed or contested sentence or judgment is again quashed by the court of cassation, the latter shall refer the case back-for definitive ruling on its merits-only to the appellate court. If the sentence or judgment of the appellate court is then appealed or contested, the Supreme Court of Cassation shall settle the case, without referring it back, whereby the court shall also have the powers of the appellate jurisdiction.

(6) (New, SG No. 63/2017, effective 5.11.2017) The cassation instance court shall forward immediately a copy of the judgement to the prosecutor, who participated in the court hearing, where the judgement imposes a custodial sentence which has not been suspended in accordance with the procedure established by Article 66 of the Criminal Code or a heavier punishment.

(7) (New, SG No. 63/2017, effective 5.11.2017) Once given a copy of the cassation judgment, the prosecutor may order that the sentenced person be taken to the corresponding prison or to the prison which is in the closest proximity and shall notify the first-instance prosecutor, who shall take action for executing the sentence upon receiving it from the court.

Mandatory instructions of the cassation instance and conditions for aggravating the position of the defendant

Article 355

(1) During a new examination of the case, the instructions issued by the cassation instance shall be mandatory with respect to:

1. the stage at which the new examination of the case will start;
2. the application of the law, except for cases where other factual situations are ascertained;
3. the elimination of the substantial violations of procedural rules.

(2) The court to which the case is returned for new examination may impose a heavier punishment or apply the law for a more heavily punishable crime where the sentence has been revoked following a protest of the prosecutor, an appeal of the private complainant or of the private prosecutor due to a request for aggravation of the situation of the defendant.

(3) The court to which the case is returned for new examination may sentence the acquitted defendant where the sentence has been revoked following a protest of the prosecutor, an appeal of the private complainant or of the private prosecutor due to a request for sentencing.

PART FIVE
SPECIAL RULES

Chapter twenty-four
SUMMARY PROCEEDINGS

Cases in which summary proceedings shall be carried out

Article 356

(1) Summary proceedings shall be carried out, where:

1. the perpetrator was caught in the act or immediately after the perpetration;
2. obvious traces of the crime have been found on the body or the clothes of the perpetrator;
3. the perpetrator has appeared in person before the respective bodies of the Ministry of Interior, the investigative body or the prosecutor and has confessed the perpetrated crime;
4. an eye-witness has designated the perpetrator of the crime.

(2) (Amended, SG No. 63/2017, effective 5.11.2017) The prosecutor may order summary proceedings for crimes punishable by a custodial sentence of up to three years or another less heavy punishment, except for crimes that have resulted in death or serious bodily injury.

(3) (Supplemented, SG No. 63/2017, effective 5.11.2017) Summary proceedings shall be considered instituted upon drafting the act for the first investigative action, and the investigative body shall notify immediately the prosecutor.

(4) The person in respect to whom there is a reasonable assumption that he/she has committed crime, shall be considered as accused party from the moment of drafting the act for the first investigative action taken against him/her.

(5) (Amended, SG No. 63/2017, effective 5.11.2017) The investigative body shall complete the investigation within seven days of establishing the presence of the respective grounds under Paragraph (1), and in the cases referred to in Paragraph (2) – within fourteen days.

(6) (New, SG No. 63/2017, effective 5.11.2017) In the cases referred to in Paragraph (2), where the case is of factual or legal complexity, the prosecutor may extend the time period for investigation by a further fourteen days.

(7) (New, SG No. 63/2017, effective 5.11.2017) Where upon presentation of the investigation the victim shall not be summoned.

Action taken by the prosecutor

Article 357

(1) (Supplemented, SG No. 63/2017, effective 5.11.2017) The supervising prosecutor shall rule within three days of completion of the investigation under Article 356, Paragraph (1), and in the cases under Article 356, Paragraph (2) – within seven days, by:

1. terminating the criminal proceedings on grounds of Article 24, paragraph 1;
2. suspending criminal proceedings in presence of the conditions under Article 25 and 26;
3. pressing charges in an indictment and submitting the case for examination in court;
4. submitting the case with a decree for exemption from criminal liability with the imposition of an administrative sanction or a proposal for agreement to dispose of the case;
5. ordering additional investigation for the collection of new evidence or for the removal of considerable violations of the procedural rules, setting a time limit not longer than seven days.

(2) Where the case presents factual or legal complexity, the supervising prosecutor shall order for the investigation to be carried out in accordance with the general procedure.

(3) In cases under Paragraph 1, item 5, the supervising prosecutor may him/herself take additional investigative action within the shortest possible period and not later than seven days.

Action taken by the judge-rapporteur

Article 358

(1) In cases under Article 357, paragraph (1), item 3, the judge-rapporteur shall:

1. terminate the criminal proceedings in cases and in accordance with the procedure of Article 250;
2. terminate the criminal proceedings in cases and in accordance with the procedure of Article 251;
3. (supplemented, SG No. 63/2017, effective 5.11.2017) terminate court proceedings and remit the case to the supervising prosecutor, where a removable serious violation of procedural rules, that has resulted in restriction of the procedural rights of the accused party under Article 249, Paragraph (4), Item 1, has been allowed;
4. (supplemented, SG No. 63/2017, effective 5.11.2017) schedule the case for hearing within seven days following its receipt without conducting an operative hearing under Article 248.

(2) (New, SG No. 63/2017, effective 5.11.2017) In the cases referred to in Paragraph (1), Item 3 the case may not be remitted again on the same grounds.

(3) (Amended, SG No. 109/2008, renumbered from Paragraph (2), SG No. 63/2017, effective 5.11.2017) In cases under Paragraph 1(4), the judge-rapporteur shall order the supervising prosecutor to immediately serve a copy of the indictment on the defendant and

summon the defendant, witnesses and expert witnesses to appear at the court hearing. In this case the supervising prosecutor may utilise the cooperation of the relevant bodies of the Ministry of Justice or Ministry of Interior.

(4) (Renumbered from Paragraph (3), SG No. 63/2017, effective 5.11.2017) Within three days following service of the copies of the indictment on the defendant, the latter may give response stating therein any objections and making new requests.

Examination of the case in the first instance

Article 359

(1) (Supplemented, SG No. 63/2017, effective 5.11.2017) Where the grounds under Article 358, Paragraph (1), Items 1 to 3 are not at hand, the court shall issue the sentence along with the reasoning thereof, and where the case presents factual and legal complexity, the reasoning may also be drawn up after announcement of the sentence, but not later than seven days thereafter.

(2) (New, SG No. 63/2017, effective 5.11.2017) The court shall terminate the judicial proceedings and forward the case file to the relevant prosecutor where a removable serious violation of procedural rules, that has resulted in restriction of the procedural rights of the accused party under Article 249, Paragraph (4), Item 1, has been allowed.

(3) (Renumbered from Paragraph (2), SG No. 63/2017, effective 5.11.2017) In these proceedings no civil claim shall be admitted.

(4) (Renumbered from Paragraph (3), SG No. 63/2017, effective 5.11.2017) No private prosecutor shall take part in these cases.

Time limit for filing the appeal and the protest

Article 360

(1) (Previous text of Article 360, SG No. 63/2017,effective 5.11.2017) In cases under Article 359, paragraph (1) the appeal and the protest shall be filed within seven days after announcement of the sentence, and where the reasoning to be drawn up has been postponed, within fifteen days.

(2) (New, SG No. 63/2017, effective 5.11.2017) No requests can be made in the appeal and protest based on material violations of the procedural rules in the course of pre-trial proceedings, except on violations relating to the admissibility, collection, examination and assessment of evidence and objective forms of evidence.

Application of the general rules

Article 361

The rules for first instance proceedings shall apply, insofar as this Chapter does not contain any special rules.

Chapter twenty-five
(Repealed, SG No. 63/2017, effective 5.11.2017)
IMMEDIATE PROCEEDINGS

Article 362

(Repealed, SG No. 63/2017, effective 5.11.2017).

Article 363

(Repealed, SG No. 63/2017, effective 5.11.2017).

Article 364

(Repealed, SG No. 63/2017, effective 5.11.2017).

Article 365

(Repealed, SG No. 63/2017, effective 5.11.2017).

Article 366

(Repealed, SG No. 63/2017, effective 5.11.2017).

Article 367

(Repealed, SG No. 63/2017, effective 5.11.2017).

Chapter twenty-six
(Repealed, SG No. 32/2010, effective 28.05.2010, new, SG No. 71/2013)
ACCELERATION OF CRIMINAL PROCEEDINGS
(Title amended, SG No. 63/2017, effective 5.11.2017)

Acceleration of pre-trial proceedings

(Title amended, SG No. 63/2017, effective 5.11.2017)

Article 368

(Supplemented, SG No. 109/2008, repealed, SG No. 32/2010, effective 28.05.2010, new, SG No. 71/2013, amended, SG No. 63/2017, effective 5.11.2017) (1) If in pre-trial proceedings more than two years have elapsed as of the constituting of a specific person as an accused party for a serious crime and more than six months in all other cases, the accused party, the victim or his/her heirs and the prejudiced legal person or the person who reported the offence may request that the investigation be accelerated. These time limits do not include the periods during which the case has been tried in court or was stayed on the grounds of Article 25.

(2) The victim or his/her heirs, the legal person sustaining damages or the person who reported the offence may make a request for acceleration of the investigation if more than one year has elapsed since the initiation of the pre-trial proceedings and no person has been brought in as an accused. New requests may be made after a period of six months has elapsed from the court's ruling under paragraph 4.

(~~2~~3) The request under Paragraph (1) shall be made through the prosecutor who shall be obligated to forthwith refer the case to the court.

(~~3~~4) The court shall rule as single-judge panel in a closed session within 15 days.

Acceleration of judicial proceedings

Article 368a

(New, SG No. 63/2017, effective 5.11.2017) (1) If more than two years have elapsed as of the initiation of the proceedings before the first instance court or more than one year has elapsed as of the initiation of the proceedings before the intermediate appellate review instance court, the parties may request acceleration. These time limits do not include the periods during which the case has been stayed on the grounds of Article 25.

(2) The request shall be made through the court trying the case. It shall state the uncompleted actions that delay the judicial proceedings.

(3) The request shall be considered withdrawn where within one month of receiving it the court trying the case performs the relevant actions.

(4) Requests relating to cases tried by a regional court shall be considered by the district court, and requests relating to cases tried by a district court as a first instance court and an intermediate appellate review instance court – by the appellate court. Requests relating to cases tried by the appellate court shall be considered by the Supreme Court of Cassation.

(5) After the expiry of the time limit under Paragraph (3), the judge-rapporteur shall forward the case file accompanied by the request to the competent court, which shall try it in a three-judge panel in camera. The court shall pronounce within seven days by a ruling which shall not be subject to appeal and protest.

Pronouncement by Court. Measures for accelerating of criminal proceedings

(Title amended, SG No. 63/2017, effective 5.11.2017)

Article 369

(Supplemented, SG No. 109/2008, repealed, SG No. 32/2010, effective 28.05.2010, new, SG No. 71/2013, amended, SG No. 42/2015, SG No. 63/2017, effective 5.11.2017) (1) The court shall make a pronouncement by assessing the factual and legal complexity of the case, whether there were delay in the activities relating to the collection, examination and assessment of evidence and objective forms of evidence, and the reasons for such delays.

(2) Where the court finds undue delay, it shall set a suitable time period for completing such actions and gives binding instructions on the application of the law. The determination shall be final.

(3) New requests for acceleration can be made after the expiry of the time period referred to in Paragraph (2).

Chapter twenty-seven
REDUCED JUDICIAL TRIAL IN PROCEEDINGS BEFORE THE FIRST INSTANCE

Grounds forbidding reduced judicial trial

Article 369a

(New, SG No. 27/2009, repealed, SG No. 32/2010, effective 28.05.2010, new, SG No. 83/2019) Reduced judicial trial in the cases covered by Article 371(2) shall not be allowed in the cases of intentionally causing death.

Decision on a preliminary hearing of the parties

Article 370

(1) The court shall ex officio or at the request of the defendant make a decision for a preliminary hearing of the parties.

(2) (New, SG No. 109/2008) The court may not reject a request for a preliminary hearing made by the defendant, when the conditions set out this chapter are at hand.

(3) (New, SG No. 109/2008) Where proceedings entail more than one defendant, a reduced judicial trial shall be allowed only if the conditions set out in this chapter are at hand with regard to all defendants.

(4) (Renumbered from Paragraph 2, SG No. 109/2008) The court shall order a preliminary hearing of the parties without summoning witnesses and expert witnesses.

Issues to be decided during the preliminary hearing of the parties

Article 371

In the preliminary hearing of the parties:

1. the defendant and his/her defence counsel, the civil claimant, the private prosecutor and their counsels may agree not to conduct an interrogation of all or some witnesses and expert witnesses, while in the issuance of the sentence the content of the respective records and experts conclusions at the pre-trial stage of proceedings will be used;

2. the defendant may fully admit the facts stated in the factual section of the indictment, agreeing not to collect evidence in respect thereof.

Procedure for the preliminary hearing of the parties

Article 372

(1) The court shall explain the defendant his/her rights and notify him/her that the respective evidence from the pre-trial proceedings and his/her confessions made under Article 371, item 2 shall be used in the issuance of the sentence.

(2) The court shall appoint a defence counsel for the defendant where he/she has none.

(3) In cases under Article 371, item 1 the court shall approve the consent given in a ruling, provided the respective investigative actions were taken in pursuance of the terms and conditions herein set forth.

(4) In cases under Article 371, item 2, where it finds that confessions are supported by the evidence collected during pre-trial proceedings, the court shall announce in a ruling that in issuing the sentence it shall use the confessions without c collecting evidence of the facts stated out in the factual part of the indictment.

Effects of the preliminary hearing of the parties

Article 373

(1) In cases under Article 372, paragraph (3), during the judicial trial before the first instance the witnesses and expert witnesses shall be interrogated, to whom the consent approved by the court applies, the respective records of interrogation and the expert conclusions being read out in pursuance of Article 283.

(2) (Amended, SG No. 27/2009) In cases under Article 372, Paragraph 4, during judicial trial the defendant, the witnesses and expert witnesses shall not be interrogated on the facts set out in the factual part of the indictment, and the court, if it issues a verdict, shall determine the applicable punishment under the terms of Article 58a Criminal Code.

(3) In cases under Article 372, Paragraph 4, the court in its reasoning for the sentence shall consider the circumstances set out in the indictment as established, relying on the confessions and the evidence collected during pre-trial in support thereof.

Application of the general rules

Article 374

The general rules shall apply, insofar as no special rules have been set forth in relation to proceedings under this Chapter.

Chapter twenty-eight
EXEMPTION FROM CRIMINAL RESPONSIBILITY WITH THE IMPOSITION OF AN ADMINISTRATIVE SANCTION

Proposal of the prosecutor for exemption of the accused party from criminal responsibility by imposition of administrative sanction

Article 375

(Supplemented, SG No. 110/2020, effective 30.06.2021) Where the prosecutor finds out that the grounds under Article 78a of the Criminal Code are at hand, he/she shall submit the case-file to the respective first instance court along with a reasoned decree, making a proposal to exempt the accused party from criminal responsibility with the imposition of an administrative sanction. The decree may be submitted through the unified e-justice portal, signed with a qualified electronic signature, and in other cases shall be entered in the unified information system of the courts under the procedure of Article 360g of the Judicial System Act.

Adjudicating the case by an agreement to release the accused from criminal liability with an administrative penalty

Art. 375a. (1) Upon completion of the investigation, where the grounds of Art. 78a of the Criminal Code are present, on the proposal of the prosecutor or the defence counsel an agreement may be drawn up between them to resolve the case in accordance with Chapter 29, whereby the defendant shall be discharged from criminal liability with the imposition of an administrative penalty.

(2) The agreement under paragraph 2 may impose an administrative fine below the minimum amount provided for in Art. 78, paragraph 1 of the Criminal Code, as well as not impose the cumulative penalty provided for.

(3) Under the conditions and in accordance with the procedure provided for in Chapter 29, the court of first instance may approve an agreement for the settlement of the case reached after the commencement of the proceedings but before the conclusion of the judicial investigation.

Scheduling the case for examination

Article 376

(1) Where it is found out that the conditions for examination of the case are at hand, the court shall schedule it within a month.

(2) Copies of the decree shall be sent to the accused party who may, within seven days after its service, make a response stating therein his objections and making new requests.

(3) In these proceedings no civil claim shall be admitted.

(4) No private prosecutor shall take part in these cases.

Termination of court proceedings and return of the case-file to the prosecutor

Article 377

(1) (Previous text of Article 377, SG No. 42/2015, amended, SG No. 7/2019) Where the grounds under Article 78a of the Criminal Code are not at hand, the court shall terminate court proceedings and return the case-file to the prosecutor.

(2) (New, SG No. 42/2015) Orders issued under paragraph 1 may be appealed and contested as per the procedures set out in Chapter Twenty-Two.

Examination of the case by a first instance court

Article 378

(1) The court shall examine the case in single-judge panel sitting at an open hearing, to which the prosecutor and the accused shall be summonsed to appear. The non-appearance of the parties which have been duly summonsed to appear shall not be an obstacle to the examination of the case.

(2) During the examination of the case the evidence collected in the criminal proceedings may be considered and new evidence may be collected.

(3) The court shall examine the case within the limits of the factual situation pointed out in the decree. Where a new factual situation is established by the court, it shall terminate court proceedings and return the case to the prosecutor.

(4) The court shall issue a judgement whereby it may:

1. exempt the accused party from criminal responsibility and impose an administrative sanction thereto;

2. acquit the accused party;

3. terminate criminal proceedings in cases provided for by the law.

(5) The court judgement shall be subject to appeal and protest as provided in Chapter twenty-one.

Application of the provisions of the Administrative Violations and Sanctions Act

Article 379

When issuing a judgement in the case, the provisions of Articles 17 - 21 of the Administrative Violations and Sanctions Act shall apply as well.

Re-opening of the case

Article 380

(1) The proposal for re-opening of the case under this Chapter shall be made by the appellate, respectively the military appellate public prosecutor and shall be examined by the appellate, respectively the military appellate court in accordance with the procedure and within the time limits specified by the Administrative Violations and Sanctions Act.

(2) Where the proposal is well-founded, the court shall rule on the merits, collecting evidence, where necessary.

Chapter twenty-nine
DISPOSING OF THE CASE BY VIRTUE OF AN AGREEMENT

Agreement to dispose of the case during pre-trial proceedings

Article 381

(1) Upon completion of the investigation based on a proposal of the prosecutor or of the defence counsel an agreement may be drawn up between them in order to dispose of the case. Where the accused party has not authorised a defence counsel, upon request of the prosecutor a judge from the respective first instance court shall appoint a defence counsel thereto with whom the prosecutor shall negotiate the agreement.

(2) (Supplemented, SG No. 60/2012, effective 8.09.2012) No agreement shall be allowed in respect of serious crimes of intent under Chapter one, Chapter two, section I and VIII, Chapter eight, Section IV, Chapter eleven, section V, Chapter twelve, Chapter thirteen, sections VI and VII and under Chapter fourteen of the Special Part of the Criminal Code. Neither shall an agreement be allowed in respect of crimes resulting in a person's death.

(3) Where property damages have been caused by the crime, the agreement shall be admitted after their recovery or securing.

(4) By virtue of the agreement a sentence may be imposed following the provisions of Article 55 Criminal Code, even in the absence of exceptional or numerous circumstances attenuating the level of responsibility.

(5) The agreement shall be drawn up in writing and shall set out consent on the following matters:

1. whether an act has been committed, has it been committed by the accused party and has it been culpably committed, whether the act constitutes a crime and what its legal qualification is;

2. what type and amount of punishment shall apply;

3. (supplemented, SG No. 27/2009, effective 1.06.2009, amended, SG No. 63/2017, effective 5.11.2017) what initial regime should be set for serving the punishment of deprivation of liberty, where the provisions of Article 66 of the Criminal Code shall not apply;

4. who should be entrusted with educational work in the cases of conditional sentencing;

5. what educational measure should be imposed on the underage accused party in cases under Article 64, paragraph (1) of the Criminal Code;

6. how to dispose of the pieces of material evidence, where they are not required for the needs of criminal proceedings with respect to other persons or other crimes, and who should be charged with the costs of the case.

(6) The agreement shall be signed by the prosecutor and the defence counsel. The accused party shall sign the agreement, provided he/she agrees to it, after a statement that he/she makes a waiver from the examination of the case in court following the general procedure.

(7) Where proceedings are conducted against several persons or for several crimes, an agreement may be reached for some of the persons or for some of the crimes.

(8) (Amended, SG No. 93/2011) Where the accused party has committed several crimes by one and the same act, or where one and the same accused party has committed several separate crimes, only Article 23 of the Criminal Code shall be applied.

Pronouncement on the agreement by the court

Article 382

(1) The agreement shall be submitted by the prosecutor to the respective first instance court forthwith after it has been drawn up, along with the case-file.

(2) The court shall schedule the hearing within seven days after receipt thereof and shall examine it in a single-judge panel. Where the charge is for an offence committed in complicity with other persons who are not parties to the agreement, the court shall explicitly note that there is no final conviction in respect of those persons.

(3) The public prosecutor, the counsel and the accused party shall take part in the court hearing.

(4) The court shall ask the accused party whether he/she understands the charges, whether he/she pleads guilty, whether he/she understands the effects of the agreement, agrees to them and has voluntarily signed the agreement.

(5) The court may propose changes in the agreement which shall be discussed with the prosecutor and the defence counsel. The last to hear shall be the accused party.

(6) In the record of the court the content of the final agreement shall be noted, which shall be signed by the prosecutor, the defence counsel and the accused party.

(7) The court shall approve the agreement where it is not contrary to the law or the morals.

(8) If the court does not approve the agreement, it shall return the case-file to the prosecutor. In this case confessions of the accused party made in accordance with the procedure under paragraph (4) shall not be treated as evidence.

(9) The ruling of the court shall be final.

(10) The victim or his/her heirs shall be notified of the ruling under Paragraph 7 with the instruction that they can file a civil claim for immaterial damages before a civil court.

Effects criminal proceedings disposed of by agreement

Article 383

(1) The agreement to dispose of criminal proceedings as approved by the court shall have the effects of a sentence entered into force or of a judgment which has entered into force under Art. 78a of the Criminal Code in the cases referred to in Art. 375a, paragraph 1 and paragraph 3.

(2) (New, SG No. 63/2017, effective 5.11.2017) The court shall determine an overall

punishment on the grounds of Articles 25 and 27 of the Criminal Code and shall make a pronouncement on the application of Article 53 of the Criminal Code in accordance with the procedure established by Article 306, Paragraph (1), Item 1 herein.

(3) (Renumbered from Paragraph (2), SG No. 63/2017, effective 5.11.2017) Where the agreement is for an offence committed under the conditions of Article 68, Paragraph (1) of the Criminal Code, the court shall also make pronouncement with regard to the service of the punishment deferred under Article 306, Paragraph (1), Item 3.

(4) (Renumbered from Paragraph (3), SG No. 63/2017, effective 5.11.2017) Where the agreement is for an offence committed under the conditions of Article 68, Paragraph (2) of the Criminal Code, the deferred punishment shall not be served.

Agreement to dispose of the case during court proceedings

Article 384

(1) Under the conditions and procedure of this Chapter, the first instance court may approve an agreement to dispose of the case reached after institution of court proceedings, but prior to completion of the judicial trial.

(2) The court shall appoint a defence counsel to the defendant, where the defendant himself has not authorized one.

(3) In this case the agreement shall be approved only after all parties give their consent.

Pronouncement on the agreement reached with any of the defendants or with regard to any of the crimes

Article 384a

(New, SG No. 63/2017, effective 5.11.2017) (1) Where after the initiation of the judicial proceedings but before the completion of the judicial trial agreement is reached with any of the defendants or with regard to any of the crimes, the court shall adjourn the examination of the case.

(2) Within seven days, a different court panel shall make a pronouncement on the agreement reached.

(3) The court panel under Paragraph (1) shall resume the examination of the case after a pronouncement on the agreement.

Chapter thirty
SPECIAL RULES FOR EXAMINATION OF CASES FOR CRIMES COMMITTED BY UNDERAGE PERSONS

Pre-trial proceedings

Article 385

In cases for crimes committed by underage persons, pre-trial proceedings shall be conducted by appointed investigative bodies with appropriate training.

Remand measures

Article 386

(1) With respect to underage persons, the following remand measures may be taken:

1. supervision by the parents or the guardian;

2. supervision by the administration of the educational establishment where the underage

person has been placed;

3. supervision by the inspector at the child pedagogical facility; or by a member of the local Commission for Combating Anti-Social Acts of Minors and Underage Persons;

4. Remand in custody.

(2) The remand measure of custody shall be taken in exceptional cases.

(3) The remand of underage persons in supervision of persons and bodies under paragraph (1), items 1 - 3, shall be accomplished through signature, whereby the latter shall assume the obligation to exercise educative supervision over the underage persons, to watch over their conduct, and to secure their appearance before the investigative body and the court. A fine of up to BGN 500 may be imposed for culpable default by such persons.

(4) In the cases of custody, underage persons shall be placed in suitable premises apart from adults, their parents or guardians and the principal of the educational establishment where they study being notified immediately thereof.

(5) (New, SG No. 7/2019) In view of protecting the best interests of the underage person, the notification of the specific person pursuant to paragraph 4 may be postponed for a period of up to 24 hours where there is an urgent need, in order to prevent the occurrence of grave unfavourable consequences for the life, freedom or physical integrity of a person or where the investigative bodies need to undertake measures, hindrance of which would seriously impede the criminal proceedings. Postponement of this notification shall be applied in view of the special circumstances of every specific case, without exceeding what is necessary and not based only on the type and gravity of the committed crime. In this case the State Agency for Child Protection shall be notified immediately of the detention and postponement.

(6) (New, SG No. 7/2019) The provisions of Paragraphs 5 shall apply in the cases under Article 63, Paragraphs 10 and 11.

Collecting information about the personality of the underage person

Article 387

In the course of investigation and judicial trial evidence shall be collected about the date, month and year of birth of the underage person, about the education, environment and conditions of living thereof, and evidence whether the crime was due to the influence of adult persons.

Participation of a pedagogue or a psychologist in the interrogation of underage persons

Article 388

Where necessary, in the interrogation of an underage accused party a pedagogue or a psychologist shall participate, who may ask questions with the permission of the investigative body. The pedagogue or psychologist shall have the right to familiarize themselves with the record of interrogation and to make remarks on the accuracy or completeness of matters recorded therein.

Presentation of the investigation

Article 389

(1) The parents or guardians of the underage accused party shall be mandatorily notified of the presentation of the investigation.

(2) The parents or guardians of the underage accused party shall be present at the presentation if they so request.

Constitution of the court and forwarding the case to another court

Article 390

(1) Under Article 28, paragraph 1, items 1 and 2 cases against underage persons shall be examined at first instance in a panel of one judge and two assessors and in cases under Article 28, paragraph 1, item 3 - in a panel of two judges and 3 assessors.

(2) Assessors must be teachers or educators.

(3) Where the underage person is a military service officer, the case shall be examined under

the procedure set forth under Chapter thirty-one.

Court hearing

Article 391

(1) The court hearing in cases against underage persons shall be conducted behind closed doors, unless the court finds it in the interest of the public to examine the case at an open court hearing.

(2) By discretion of the court, an inspector from the child pedagogical facility and a representative of the educational establishment in which the underage person studies may be invited to the court hearing.

Persons participating in the examination of cases

Article 392

(1) The parents or guardians of underage persons shall be summonsed to the hearings of cases against them. They shall have the right to take part in the collection and verification of evidentiary materials and to make requests, remarks and objections.

(2) Failure of the parents or guardians to appear shall not be an obstacle to the examination of the case, unless the court finds that their participation is necessary.

(3) In cases against underage persons, the participation of a prosecutor shall be mandatory.

(4) In these cases no private prosecutors shall participate.

Temporary removal of the underage persons from the courtroom

Article 393

Where it is necessary to elucidate facts which may have a negative impact on the defendant who is underage, the court may temporarily remove the underage person from the courtroom after hearing the defence, the parents or the guardian and the prosecutor.

Examination of cases for crimes committed by underage persons in pursuance of the general procedure

Article 394

(1) Where the underage individual has been constituted as accused party for a crime committed by him/her prior to having reached legal age, the case shall be examined in pursuance of the general procedure.

(2) Where the underage individual has been constituted as accused party for an act committed in complicity with an adult, the cases shall not be separated and the proceedings shall be conducted in pursuance of the general procedure.

Putting sentence into execution

Article 395

(1) Where it suspends the service of punishment for an underage person, the court shall inform the respective local Commission Combating Anti-Social Acts of Minors and Underage Persons, to make arrangements for the necessary educative care.

(2) Where the court sets an educative intervention, it shall send a copy of the sentence to the respective local Commission.

(3) The proposal of the prosecutor or the local Commission Combating Anti-Social Acts of Minors and Underage Persons under Article 64, paragraph (2) of the Criminal Code, for replacement of the placement in a correctional boarding school with another educative intervention following issuance of the sentence, shall be examined at an open court hearing to which the underage person and the defence counsel thereof shall be summonsed.

Chapter thirty "a"

(New, SG No. 21/2014)

SPECIAL RULES GOVERNING THE EXAMINATION OF CASES FOR CRIMES, COMMITTED BY PERSONS, WHO DO NOT SPEAK THE BULGARIAN LANGUAGE

Provision of interpretation and written translation in criminal proceedings

Article 395a

(New, SG No. 21/2014) (1) (Amended, SG No. 7/2019) Where the accused party does not speak the Bulgarian language, the court and the pre-trial authorities shall ensure oral translation in a language he understands as well as written translation of the acts under Article 55, Paragraph (4).

(2) (Amended, SG No. 7/2019) The court and the pre-trial authorities, acting on their own initiative or on a reasoned request of the accused party or the defence counsel, may also provide written translation of other documents within the case but the acts under Article 55, Paragraph (4), where they are of substantial importance for exercising the right to defence.

(3) By exception, instead of the written translation under paragraphs (1) and (2), oral translation or oral summary may be provided, when the accused party has agreed thereto, has defence counsel and his procedural rights are not violated.

Checking the Bulgarian language knowledge of the accuses party

Article 395b

(New, SG No. 21/2014) (1) The court and the pre-trial authorities may, at any stage of the case, establish the circumstance that the accused party does not speak the Bulgarian language.

(2) The decree of the investigating authority establishing that the accused party speaks Bulgarian is subject to appeal before the supervising prosecutor.

(3) The ruling or order establishing that the accused party speaks Bulgarian shall be appealed under Chapter twenty-two.

Waiver of the right to translation of documents

Article 395c

(New, SG No. 21/2014) (1) The court and the pre-trial authorities explain to the accused party his right to waive written or oral translation of the acts and documents under Article 395a.

(2) The waiver is reflected in a protocol, signed by the accused party and his defence counsel unless it has been drafted in a court hearing.

Denial of written or oral translation of documents

Article 395d

(New, SG No. 21/2014) (1) The court and the investigating authority may deny the provision of written or oral translation of the documents under Article 395a (2), where they are not of substantial importance for the exercise of the right to defence or to deny written translation of parts thereof, where they are not relevant to the right to defence of the accused party.

(2) The decree of the investigating authority whereby the accused party is denied written or oral translation of documents or parts thereof is subject to appeal before the supervising prosecutor within a three-day term. The decree of the supervising authority shall be final.

(3) A court's ruling or order whereby the accused party is denied written or oral translation of documents or parts thereof shall be appealed under Chapter twenty-two.

Objection against accuracy of translation

Article 395e

(New, SG No. 21/2014, effective as of the date of entry of the provision of Article 403 (2) of the Judiciary Act into force) (1) The accused party has the right to objection against the accuracy of the translation at any stage of the case.

(2) Where the competent authority finds the objection to be grounded, it shall remove the translator and appoint a new one or order a repeated translation.

Appointment of translator

Article 395f

(New, SG No. 21/2014) (1) The court and the pre-trial authorities shall point out in the act appointing a translator data about the languages that the accused party knows, the full name, education and spcialty of the translator or the name of the institution at which the translator works and the type of the translation.

(2) The authority appointing the translator shall summon him, check his identity, education and specialty, his relations with the accused party and with the victim as well as the existence of grounds for a recusal.

(3) The persons pointed out in items 1 - 3 of Article 148 (1) may not be translators.

(4) The appointment act shall be handed to the translator, after which his rights and obligations and his liability in case of inaccurate translation shall be explained to him.

Rules for involvement of the translator

Article 395g

(New, SG No. 21/2014) (1) The translator shall be involved in all actions, in which the accused party is also involved and during his meetings with the defence counsel regarding interrogation of the accused party or requests, remarks, objections and appeals thereof.

(2) Where this will not hinder the exercise of the right to defence, the oral translation may be performed through a video or phone conference or another technical means.

(3) For failure to appear or denial to make the translation without valid reasons, a penalty of BGN five hundred shall be imposed on the translator. If the translator points out valid reasons for his failure to appear, the penalty shall be revoked.

Bulgarian sign interpreter

(Title amended, SG No. 9/2021, effective 6.02.2021)

Article 395h

(New, SG No. 21/2014) (1) (Amended, SG No. 9/2021, effective 6.02.2021) Where the accused party is deaf or mute, a Bulgarian sign interpreter shall be appointed.

(2) (Amended, SG No. 9/2021, effective 6.02.2021) The provisions of this chapter shall also apply in regards to the Bulgarian sign interpreter.

Chapter thirty-one
SPECIAL RULES GOVERNING THE EXAMINATION OF CASES UNDER THE JURISDICTION OF MILITARY COURTS

Cases within the jurisdiction of military courts

Article 396

(1) Cases concerning crimes committed by the following individuals shall fall within the jurisdiction of military courts:

1. (Amended, SG No. 42/2015) Military service officers;

2. (New, SG No. 109/2007, repealed, SG No. 109/2008);

3. (Renumbered from Item 2, SG No. 109/2007) Generals, officers, non-commissioned officers and rank-and-file personnel with other ministries and agencies;

4. (Renumbered from item 3, SG No. 109/2007, amended, SG No. 20/2012, effective 10.06.2012) Reservists on active duty in the volunteer reserve and persons on war-time duty;

5. (Renumbered from Item 4, SG No. 109/2007, repealed, SG No. 109/2008);

6. (Renumbered from Item 5, supplemented, SG No. 109/2007, amended, SG No. 109/2008, SG No. 79/2015, effective 1.11.2015) Civilian staff in the Ministry of Defence, the Bulgarian Army and the structures reporting to the Minister of Defence, the National Diplomatic Protection Service, and the State Intelligence Agency National Intelligence Service during or on the occasion of discharging their service.

~~(2) (Supplemented, SG No. 32/2022, effective 27.07.2022) Cases for crimes in the commission of which civilians were involved shall also be triable by the military courts, except where the case falls within the jurisdiction of the European Public Prosecutor's Office.~~

Jurisdiction before the appellate and cassation review instances

Article 397

Cases adjudicated by military courts shall be examined by the Military Court of Appeals at the intermediate appellate review instance and by the Supreme Court of Cassation at the cassation instance, which shall also examine proposals for re-opening of criminal cases of the military courts.

Jurisdiction disputes

Article 398

Jurisdiction disputes between first instance military courts shall be decided by the Military Appellate Court.

Bodies of military pre-trial proceedings

Article 399

(1) The bodies of military pre-trial proceedings shall be military prosecutors and military investigative bodies.

(2) (Amended, SG No. 69/2008) Military investigative bodies shall be military investigating officers and military investigating police officers.

(3) (Amended, SG No. 69/2008) Military investigating police officers shall be designated in an order of the Minister of Defence.

Powers of military police bodies

Article 400

(Supplemented, SG No. 42/2015)

Bodies of the military police shall have the powers of the respective bodies of the Ministry of Interior under Article 60(3), Article 62(5), Article 196(1)(6), Article 212(2), Article 215, Article 218, Article 245(1) and Article 356(1)(3).

Remand measures

Article 401

(1) (Amended, SG No. 46/2007, SG No. 109/2007) In respect of individuals under Article 396, paragraph 1, item 4 one of the following remand measures shall be taken:

1. Placement under closest observation within the unit;

2. Detention in custody in barracks' premises or in the general establishments for deprivation of liberty.

(2) One of the remand measures under Article 58 shall be imposed on carrier service members and civilians with the Ministry of Defence, the Bulgarian Army and the structures, governed by the Minister of Defence.

(3) When in the pre-trial proceedings a civilian, other than those specified in paragraph 2, who is complicit with the persons under Art. 396, is brought in as an accused, one of the measures of remand in custody under Art. 58 shall be taken.

Procedure for taking measures of procedural coercion in pre-trial proceedings

Article 402

(1) The measures of procedural coercion shall be taken as provided in Chapter seven, Section II except for the temporary removal from office under Article 403.

(2) Placement under the closest observation within the unit shall be imposed by the investigative body or the respective military prosecutor.

(3) Detention in custody of officers and civilians shall immediately be notified to the relevant

Minister.

(4) In respect of civilians referred to in Art. 401, paragraph 3, coercive measures shall be taken in accordance with Chapter Seven, Section II. The judicial review of the measures taken in the pre-trial proceedings in respect of these persons shall be carried out in the first instance by the Sofia City Court and in the second instance by the Appellate Court – Sofia.

Temporary removal from office

Article 403

(1) Where the remand measures of custody or house arrest has been imposed on the accused party, the latter shall temporarily be removed from office until said remand measures have been substituted for less stringent ones.

(2) Where the remand measure taken is less heavy than those indicated in paragraph (1), the accused party may be temporarily removed from office by a ruling of the military court upon a reasoned request by the commander, the military prosecutor or the military investigative body.

Assistance in the execution of the remand measure imposed

Article 404

The investigative body or the prosecutor shall notify the respective commander of the remand measure taken and the latter shall be obligated to assist in its execution.

Distribution of cases in military pre-trial proceedings among the investigative bodies

Article 405

(1) Investigation shall be carried out by military police investigative bodies in respect of cases for the following crimes:

1. those set out in Article 194, paragraph 1, item 1;
2. committed by commissioned officers;
3. (new, SG No. 71/2013) presenting factual and legal complexity, assigned by the administrative head of the respective military regional prosecutor's office.

(2) (Amended, SG No. 69/2008) In cases other than those specified in paragraph (1), investigation shall be carried out by investigating police officers.

(3) The respective commander shall be notified forthwith about any instituted pre-trial proceedings.

Article 406

(Repealed, SG No. 109/2008).

Observation on site and identification

Article 407

Observation on site and identification in the area of the military unit shall be performed in presence of the nearest commander, chief or a person authorized thereby. In such case servicemen shall be invited as certifying witnesses.

Separation of cases

Article 408

(1) Where several crimes have been committed and into the gravest of them investigation has been carried out, and for the investigating the less serious ones a longer period of time is necessary, the military investigative body shall conclude the investigation of the gravest crime and shall send the case-file to the military prosecutor, while continuing the investigation of the less serious crimes in a separate case-file.

(2) Paragraph 1 shall also apply where the crime has been committed by several persons. In such incidences the case-file shall be separated, provided this shall not obstruct the discovery of the objective truth.

(3) Where a civilian who is in complicity with the persons referred to in Art. 396 is brought in as an accused in the pre-trial proceedings, the military prosecutor shall, upon completion of the investigation for that offence, split the case for that person and send it to the competent prosecutor at the place where the offence was committed.

Limitations to the publicity of the court hearing

Article 409

(1) The court may request from the defence counsels and counsels, the witnesses and the other persons attending in the courtroom, to declare that they shall not divulge the circumstances presented in the court hearing where the latter constitutive of classified information.

(2) When examining cases against officers, no sergeants and privates shall be allowed in the courtroom as listeners.

Securing the execution of sentences

Article 410

The execution of sentences against persons of the officer, non-commissioned and rank-and-file personnel, who have not been dismissed from service, shall be secured by the respective commander.

Application of the general rules

Article 411

The general rules shall apply, insofar as this Chapter does not contain any special rules.

Chapter thirty-one "a"

Special Rules for the Consideration of Cases of Crimes of a General Nature Committed by the Prosecutor General or by his/her Deputy~~(New, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011; repealed, SG No. 32/2022, effective 27.07.2022)~~

~~SPECIAL RULES APPLICABLE TO TRYING CASES FALLING WITHIN THE JURISTICTION OF SPECIALISED CRIMINAL COURTS~~

Procedure for investigating crimes committed by the Prosecutor General

Art. 411a. (1) If there is a legal reason to initiate an investigation against the Prosecutor General, as well as in the cases referred to in Art. 212, paragraph 2, the Criminal Chamber of the Supreme Court of Cassation shall be notified.

(2) The file under paragraph 1 shall be assigned to a judge on the principle of random allocation, in compliance with the requirements of Art. 360b of the Judiciary System Act, from among judges holding the rank of judge of the Supreme Court of Cassation of the Criminal Chamber or holding the rank of judge of the Supreme Court of Cassation from the Criminal Division of the appellate and regional courts (Okrazhen sad) from a list to be approved in advance by the General Assembly of the Criminal Chamber of the Supreme Court of Cassation.

(3) After the appointment of a judge in accordance with the preceding paragraph, the President of the Criminal Chamber of the Supreme Court of Cassation shall immediately notify the Prosecutorial Chamber of the Supreme Judicial Council, which shall appoint him/her as a prosecutor in the Supreme Prosecutor's Office of Cassation to investigate crimes committed by the Prosecutor General.

(4) The prosecutor for the investigation of crimes committed by the Prosecutor General shall direct the pre-trial proceedings and participate in the trial proceedings. The term of office of such a prosecutor may not exceed two years except with his/her explicit consent. If the proceedings against the Prosecutor General continue for more than two years, the Criminal Chamber of the Supreme Court of Cassation shall assign, and the Prosecutorial Chamber of the Supreme Judicial Council shall appoint, another prosecutor in accordance with paragraph 2.

(5) In the event that within six months of the notification under paragraph 1 other legal reasons for initiation of pre-trial proceedings for a crime committed by the Prosecutor General or cases referred to in Art. 212, paragraph 2 arise, they shall be examined by the prosecutor appointed by the Prosecutorial Chamber of the Supreme Judicial Council to investigate crimes committed by the Prosecutor General. If, within that period, the initiation of pre-trial proceedings has been refused, there are no other legal reasons, or the criminal proceedings initiated have been terminated, after the expiry of that period the prosecutor for the investigation of crimes committed by the Prosecutor General shall be restored to the position previously held as a judge.

(6) The prosecutor for investigation of crimes committed by the Prosecutor General shall participate in all instances in the judicial proceedings. The term of office of a prosecutor in a criminal proceedings may not exceed two years except with his/her explicit consent.

(7) Iif there is evidence of circumstances under Art. 129, paragraph 3 of the Constitution of the Republic of Bulgaria, which do not constitute crimes, the prosecutor for the investigation of crimes committed by the Prosecutor General shall send the collected materials to the Minister of Justice.

Refusal to initiate pre-trial proceedings

Art. 411b. (1) A copy of the decree for refusal to initiate pre-trial proceedings shall be sent to the victim or his/her heirs, to the legal person sustaining damages or to the person having reported the offence under Art. 209, where there is no victim or legal person sustaining damages, who may appeal against it before the Sofia City Court within seven days of receipt of the copy.

(2) The court shall examine the case in single judge formation in private deliberation no later than one month after the receipt of the materials on the file and shall adjudicate on the reasonableness and legality of the decree for refusal to initiate pre-trial proceedings by a ruling.

(3) The ruling of the Sofia City Court confirming the decree shall be subject to appeal within seven days of receipt of the copy before the Appellate Court – Sofia. The Court shall adjudicate in private deliberation within seven days in a three-judge Chamber by an ruling which shall be final.

(4) Where the decree is revoked, the court shall return the file to the prosecutor with binding instructions on the application of the law.

(5) Confirmation of the decree by the court shall not preclude the institution of pre-trial proceedings if new circumstances have been established."

Investigating authorities

Art. 411c. The investigating authorities in cases of crimes committed by the Prosecutor General shall be the officials of the Ministry of the Interior appointed to the position of "investigating police officer" and determined by order of the Minister of the Interior, and the employees of the Customs Agency appointed to the position of "investigating customs inspector" and determined by order of the Minister of Finance on the proposal of the Director of the Customs Agency.

Judicial review of the prosecutor's actions to investigate crimes committed by the Prosecutor General

Art. 411d. The prosecutor's decrees to investigate crimes committed by the Prosecutor General shall be appealed before a judge of the Sofia City Court, who shall rule in private deliberation on their legality. The ruling shall be final.

Termination of the criminal proceedings

Art. 411e. The provisions of Art. 243a shall not apply in cases of termination of criminal proceedings in which crimes committed by the Prosecutor General are being investigated.

Grounds and procedure for recusal

Art. 411f. (1) The provisions of Art. 47, para 1 – 3 shall also apply to the prosecutor in an investigation against the Prosecutor General.

(2) A judge of the Sofia City Court shall rule on the reasonableness of the recusal and self-recusal of the investigating prosecutor against the Prosecutor General in pre-trial proceedings in accordance with Art. 441d, and in court proceedings the ruling shall be done by the court hearing the case.

Jurisdiction

Art. 411g. (1) Cases for crimes of a general nature committed by the Prosecutor General shall be under the jurisdiction of the Sofia City Court as first instance .

Consideration of cases of crimes of a general nature committed by a Deputy Prosecutor General

Art. 411h. The provisions of this Chapter shall apply to crimes of a general nature committed by a Deputy Prosecutor General.

Application of the general rules

Art. 411i. In so far as there are no special rules in this Chapter, the general rules shall apply.~~**Article 411a**~~

~~(New, SG No. 13/2011, effective 1.01.2012, amended, SG No. 61/2011; amended by Judgment No 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011; amended and supplemented, SG No. 19/2012, effective 6.03.2012, amended, SG No. 42/2015, SG No. 63/2017, effective 5.11.2017, supplemented, SG No. 101/2017, amended, SG No. 7/2018, supplemented, SG No. 83/2019, SG No. 103/2020, SG No. 16/2021, Judgment No 7 of the Constitutional Court of the Republic of Bulgaria in the part "as well as the cases/the jurisdiction of the prosecutor of the investigation against the Prosecutor General or his deputy", SG No. 41/2021; repealed, SG No. 32/2022, effective 27.07.2022).~~

~~**Article 411b**~~

~~(New, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011; repealed, SG No. 32/2022, effective 27.07.2022).~~

~~**Article 411c**~~

~~(New, SG No. 13/2011, effective 1.01.2012, amended, SG No. 61/2011, amended and supplemented, SG No. 93/2011, effective 1.01.2012, supplemented, SG No. 52/2013, effective 14.06.2013, amended, SG No. 14/2015, supplemented, SG No. 103/2020, SG No. 16/2021, repealed, SG No. 32/2022, effective 27.07.2022).~~

~~**Article 411d**~~

~~(New, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, repealed, SG No. 42/2015).~~

~~**Article 411e**~~

~~(New, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011, amended by Ruling No. 10 of the Constitutional Court of the Republic of Bulgaria, SG No. 93/2011, amended, SG No. 63/2017, effective 5.11.2017, repealed, SG No. 32/2022, effective 27.07.2022).~~

~~**Article 411f**~~

~~(New, SG No. 13/2011, effective 1.01.2012 - amended, SG No. 61/2011; repealed, SG No. 32/2022, effective 27.07.2022).~~

PART SIX
PUTTING INTO EXECUTION ACTS OF THE COURT THAT HAVE ENTERED INTO FORCE RE-OPENING OF CRIMINAL CASES

Chapter thirty-two
PUTTING INTO EXECUTION ACTS OF THE COURT THAT HAVE ENTERED INTO FORCE

Acts subject to execution

Article 412

(1) The sentences, judgements and rulings shall be put into execution after they have entered into force.

(2) The sentences, judgements and rulings shall enter into force:

1. from the moment of their pronouncement, where they are not subject to verification

following appeal or protest;

2. from the moment of pronouncement of the judgement by the cassation instance, where the appeals and protests have been denied examination or have been rejected, or where the sentence has been modified;

3. from expiry of the term for their appeal, where no appeal or protest was lodged.

Binding force of judicial acts

Article 413

(1) The sentences, judgements, rulings and orders that have entered into force shall be binding upon all institutions, legal persons, officials and citizens.

(2) The sentences and judgements that have entered into force shall be binding upon the civil court with regard to the following matters:

1. whether the act has been performed;

2. whether the perpetrator is guilty;

3. whether the act is punishable.

(3) The provision of Paragraph 2 shall also apply to the acts of the regional court under Chapters twenty-eight and twenty-nine.

Judgement of the court relating to putting into execution sentences and rulings

Article 414

(1) The court which has issued a sentence or ruling that have entered into force, shall make pronouncement on:

1. all difficulties and doubts relevant to their interpretation;

2. (repealed, SG No. 32/2010, effective 28.05.2010);

3. the exemption from serving a punishment imposed for a crime which is prosecuted following a complaint by the victim, where prior to the beginning of its execution the private complainant has requested so.

(2) The issues specified in paragraph 1 shall be examined at a court hearing to which the convict, and in the cases under paragraph 1, item 3 - the complainant as well shall be summonsed.

(3) The participation of the prosecutor shall be mandatory.

Suspension of the service of punishment

Article 415

The regional prosecutor or the district prosecutor may suspend by decree the execution of a sentence to deprivation of liberty or probation:

1. in case of a serious illness, which hinders the service of a punishment - up to six months; after expiry of this term, the service of the punishment may be suspended for the same period on the grounds of a new medical examination;

2. in case of pregnancy or childbirth of the convicted woman - for up to six months before and one year after delivery of the child;

3. where due to particular circumstances such as fire, natural calamity, severe ailment, death of the sole able-bodied member of the family, etc., the immediate execution of the sentence may bring about grave consequences for the convict or his/her family - for up to three months;

4. with respect to particularly needed specialists at enterprises, institutions or organizations - for up to three months;

5. for completion of the current academic year or vocational qualification course - for up to two months.

Acts relevant to putting into execution sentences and rulings

Article 416

(1) A copy of the sentence whereby the defendant has been acquitted or exempted from criminal responsibility or from serving the punishment, as well as a copy of the ruling for

termination of the criminal proceedings, shall be sent to the respective bodies to return any seized documents, valuables or other objects, as well as to terminate police registration. Where a measure for securing a claim has been revoked, a copy of the sentence or ruling shall be sent to the appropriate bodies.

(2) (Amended, SG No. 63/2017, effective 5.11.2017) A copy of the sentence whereby the defendant has been convicted to serve a certain punishment, shall be sent to the prosecutor for execution. The prosecutor shall notify the court that delivered the judgment giving effect to the sentence of the actions taken to enforce the imposed punishment.

(3) (Amended, SG No. 12/2009, effective 1.01.2010 - amended, SG No. 32/2009) Where by the sentence confiscation of certain objects or forfeiture of objects pursuant to Article 53 of the Criminal Code has been ruled, the court shall send a copy of the sentence to the National Revenue Agency for execution. The National Revenue Agency shall inform the court within seven days of the seizure of objects forfeited and confiscated.

(4) Where by sentence a fine has been imposed or compensation has been awarded to the benefit of the state, as well as court expenses and fees, the court shall issue a writ of execution and forward it to the respective body for enforcement.

(5) (New, SG No. 42/2015) The enforcement of claims for court expenses and fees under paragraph 4 may also be effected towards the funds and securities submitted as a guarantee.

(6) (Renumbered from Paragraph 5, SG No. 42/2015) Actions under Paragraphs 1 - 4 shall be taken within seven days of the entry into force of the sentence.

(7) (New, SG No. 63/2017, effective 5.11.2017) The judgment giving effect to the sentence under Paragraph (2) shall be published on the website of the relevant court after the receipt of a notification by the prosecutor of the actions taken to enforce the punishment imposed.

(8) The court which decreed the effective sentence or ruling shall rule on an appeal by the convicted person that the sentence or ruling has been enforced without legal justification. The appeal shall not stay the execution unless the court orders otherwise. If the court finds the request admissible, it shall examine it within seven days in open court with the participation of the prosecutor and with summons to the convicted person and shall adjudicate conclusively. Where the court finds that the request is well-founded, it shall release the person wrongfully imprisoned.

Deduction of the time spent in custody and of the time of deprivation of rights

Article 417

(1) Where Article 59 of the Criminal Code has not been applied by the court, it shall be applied by the prosecutor with a decree.

(2) A copy of the prosecutor's decree shall be sent to the convicted person, who may appeal against it within seven days of receipt of the copy before a judge of the court which passed the final sentence, who shall examine it in private deliberation. The adjudication of the court shall be final.

Informing the victim who has special protection needs concerning release of the convict

Article 417a

(New, SG No. 16/2019) In the cases under Articles 415 and 417, the respective prosecutor shall immediately inform the victim who has special protection needs.

Bodies who shall detain the convict

Article 418

(Supplemented, SG No. 109/2008)

The detention and bringing of the convict to the place for execution of the punishment shall be carried out by the services of the Ministry of Justice that can utilise the cooperation of the relevant bodies of the Ministry of Interior.

Chapter thirty-three

RE-OPENING OF CRIMINAL CASES

Acts subject to verification
Article 419

(1) (Supplemented, SG No. 109/2008, amended, SG No. 63/2017, effective 5.11.2017) The effective sentences and judgements shall be subject to verification pursuant to this Chapter. The rulings under Article 112, Paragraph (3), Article 243, Paragraph (6), Items 1 and 2, and Article 382, Paragraph (7), as well as the rulings and orders under Article 341, Paragraph (1) shall also be subject to verification pursuant to this Chapter.

(2) (Repealed, SG No. 32/2010, effective 28.05.2010, new, SG No. 71/2013, repealed, SG No. 63/2017, effective 5.11.2017).

Bodies who may make requests for reopening
Article 420

(1) (Supplemented, SG No. 93/2011, effective 1.01.2012, SG No. 103/2020, amended, SG No. 32/2022, effective 27.07.2022) A request for reopening a criminal case under Items 1 – 3 of Article 422(1) may be made by the District/Military Prosecutor and a request for reopening a criminal case under Items 4 – 6 of Article 422(1) may be made by the Prosecutor-General. A request for reopening of a criminal case within the competence of the European Public Prosecutor's Office under Article 422 1 may be made by the European Delegated Prosecutor.

(2) (Amended, SG No. 7/2019) Any individual sentenced for a publicly actionable criminal offence who has not been exempted from criminal liability with the imposition of an administrative punishment on grounds of Article 78a Criminal Code may alone extend a request for reopening the criminal case in the hypotheses of Article 422, Paragraph (1), Item 4 - 6.

(3) (Amended, SG No. 42/2015) The proposal for re-opening shall not suspend the execution of the sentence, unless the prosecutor or the court responsible for reviewing the request has ruled otherwise.

(4) In cases under Article 422, Paragraph 1, item 4, where the judgement of the European Court of Human Rights is in the interest of the sentenced individual, as well as in cases under Article 422, Paragraph 1, item 6, suspension of execution shall be mandatory.

Time limit for making a proposal
Article 421

(1) A proposal for re-opening of a criminal case which has ended with sentence of acquittal or with ruling or order for termination, as well as a proposal whereby it is requested to increase the punishment or to apply a law for a more heavily punishable crime, may be made not later than six months after the respective act has entered into force pursuant to Article 422, paragraph (1), item 5 and paragraph (2), or from the discovery of new circumstances.

(2) The Prosecutor-General shall be obligated to make a request under Article 422, Paragraph 1, item 4 within one month of gaining knowledge of the judgement, and under Article 422, Paragraph 1, item 6 - within one month of gaining knowledge of the admitted extradition.

(3) (Supplemented, SG No. 109/2008, amended, SG No. 7/2019) The convict may make the motion under Article 422 (1) items 4 - 6 within a period of six months of notification of the judgment under Article 422 (1) item 4, of entry into force of the respective instrument under Article 422 (1) item 5 or from the actual hand-over in the cases under Article 422 (1) item 6. With regard to convicts sentenced in absentia, this period starts on the date when the convict found out that the sentence has entered into force.

(4) The criminal case may also be re-opened after the death of the convict.

Grounds for re-opening
Article 422

(1) A criminal case shall be re-opened where:

1. some of the pieces of evidence that serve as basis for the sentence, judgement, court ruling or order, prove to be false;

2. (amended, SG No. 69/2008, SG No. 93/2011, effective 1.01.2012) a judge, a court assessor, or an investigative body has committed a crime in relation to his involvement in the criminal proceedings;

3. circumstances or proofs are revealed through investigation, which had not been known to the court that issued the sentence, judgement, ruling or order, and which are of substantial importance to the case.

4. by virtue of a judgement of the European Court of Human Rights a violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms has been established that has a considerable importance for the case;

5. (amended, SG No. 93/2011) substantial violations have been committed under Article 348, paragraph 1, items 1 - 3 in relation to court instruments issued under Article 354, Paragraph 2(2) and Paragraph 5 or in relation to sentences, judgements, and court rulings which have not been examined in the course of cassation proceedings based on the appeal or contestation of the party that will benefit from the proposed annulment;

6. extradition has been allowed in the case of sentencing in absentia where a guarantee has been provided by the Bulgarian state for reopening the criminal case in respect of the offence, in respect to which extradition has been allowed.

(2) The circumstances under paragraph 1, items 1 and 2 shall be established by sentence that has entered into force, and where no sentence may be issued - through investigation.

Re-opening of a criminal case upon request of an individual sentenced in absentia due to the convict's non-participation in the criminal proceedings

(Title amended, SG No. 109/2008)

Article 423

(1) (Amended, SG No. 109/2008, SG No. 93/2011, SG No. 63/2017, effective 5.11.2017, supplemented, SG No. 7/2019, amended, SG No. 110/2020, effective 30.06.2021) Within six months from the date when the convict sentenced in absentia has come to knowledge of a sentence that has entered into force or of the actual hand-over by another state to the Republic of Bulgaria, he/she may file a request for re-opening the criminal case due to the convict’s non-participation in the criminal proceedings. The request shall be honoured, unless the convict - upon being charged within the pre-trial proceedings - absconded, which hindered the procedure under Article 247c, Paragraph (1) or, once the afore-mentioned procedure was completed, the convict failed to appear to a court hearing with no cogent reason.

(2) The request shall not stay the execution of the sentence, unless the court rules otherwise.

(3) Proceedings for re-opening of the criminal case shall be terminated, if the convict sentenced in absentia has failed to appear at the court hearing without valid reasons.

(4) Where the convict sentenced in absentia was detained in execution of the sentence that has entered into force and the court has re-opened criminal proceedings, in its judgement it shall also rule on the remand measure.

(5) (Amended, SG No. 109/2008, supplemented, SG No. 7/2019) Where a request has been made by a convict sentenced in absentia, surrendered by another state to the Republic of Bulgaria on the basis of allowed extradition, the court shall re-open the case, when guarantees have been given for this purpose, without assessing whether the individual had been aware of the criminal proceedings against him/her.

Court which shall examine the request

Article 424

(1) (Amended, SG No. 42/2015) The request for re-opening of a criminal case on the

grounds of Article 422(1)(5) shall be reviewed by the relevant court of appeal in the case of rulings under Article 419 issued by a regional or district court as a court of appeal, excluding new verdicts.

(2) (New, SG No. 42/2015) In cases other that those under paragraph 1, the request for re-opening of a criminal case shall be reviewed by the Supreme Court of Cassation.

(3) (Renumbered from Paragraph 2, amended, SG No. 42/2015) The request shall be filed through the respective first-instance court which shall immediately hand down a copy thereof to the prosecutor and the accused or acquitted individual and shall forward the case to the relevant court of appeal or to the Supreme Court of Cassation.

(4) (Renumbered from Paragraph 3, SG No. 42/2015) The case shall be heard at an open hearing.

Powers of the Court

Article 425

(1) Where the court finds the request for reopening well-founded, it may:

1. revoke the sentence, judgement, ruling or order, and return the case for new examination, specifying the stage at which the new examination should start;

2. revoke the sentence, the decision or ruling and terminate or suspend the criminal proceedings or acquit the defendant in the case of Article 24, paragraph 1, item 1 within the framework of the factual situations under the effective sentence;

3. (new, SG No. 63/2017, effective 5.11.2017) revoke the sentence or the judgement, find the defendant not guilty and impose upon him/her an administrative penalty, where the act is punishable by administrative procedure in the cases provided for in the special part of the Criminal Code, or where it constitutes an administrative violation provided for by a law or decree;

4. (renmbered from Item 3, SG No. 63/2017, effective 5.11.2017) modify the sentence, the appellate instance decisions or the new sentence in cases where the grounds to this effect are in favour of the convict.

(2) In cases under Article 423, Paragraph 1 proceedings shall be reopened and the cases shall be remitted to the stage in which proceedings in absentia began.

Application of the rules for cassation proceedings

Article 426

The rules for cassation proceedings shall apply, insofar as this Chapter does not contain any special rules.

PART SEVEN
SPECIAL PROCEEDINGS

Chapter thirty-four
APPLICATION OF COMPULSORY MEDICAL MEASURES. REHABILITATION

Section I
APPLICATION OF COMPULSORY MEDICAL MEASURES

Proposal for application of compulsory medical measures

Article 427

(1) (Supplemented, SG No. 103/1993, effective 28.05.2010, amended, SG No. 63/2017,

effective 5.11.2017)

A proposal for application of compulsory medical measures under Article 89 et seq. Criminal Code shall be made by the a prosecutor from the regional prosecutor's office, and in the cases of interrupted service of the punishment of deprivation of liberty or probation the relevant proposal shall be made by the district prosecutor.

(2) Before making the proposal, the prosecutor shall appoint an expert assessment and shall charge an investigative body to elucidate the behaviour of the person before and after the perpetration of the act, and whether this person constitutes a threat to the public.

(3) (New, SG No. 32/2010, effective 28.05.2010) In the cases of interrupted service of the punishment, the district prosecutor shall order that an expert opinion be furnished to clarify the convict's mental condition.

Court which shall examine the proposal

Article 428

(Supplemented, SG No. 103/1993, effective 28.05.2010)

The proposal for application of compulsory medical measures shall be examined by the regional court at the place of residence of the individual, and in case of termination of the execution of the punishment of deprivation of liberty or probation the relevant proposal shall be made by the district court at the location where the punishment is served.

Court hearing in camera

Article 429

(1) Following institution of the case a judge-rapporteur shall be appointed.

(2) The judge-rapporteur shall assess whether all required conditions for the examination of the case are present and shall schedule a hearing within three days of receiving a proposal.

Court hearing

Article 430

(1) The person with respect to whom the application of compulsory medical measures has been requested, the parents of the person, the guardian or custodian, and the victim shall be summonsed to the court hearing via the prosecutor.

(2) The participation of a prosecutor, as well as of a defence counsel for the individual in respect to whom the application of compulsory medical measures is requested shall be mandatory.

(3) The presence of the person with respect to whom the application of compulsory medical measures has been requested shall not be mandatory, where the health status of the person is an obstacle therefore.

(4) In all cases the court shall hear out the conclusion of an expert-psychiatrist.

Ruling of the court

Article 431

(1) The court shall make its pronouncement in a panel of one by ruling.

(2) The ruling under Paragraph 1 may be subject to appeal or protest within seven days from its issuance in pursuance of Chapter twenty-one.

(3) Should it revoke the ruling, the intermediate appellate review instance court shall resolve the case.

Extension, replacement or termination of compulsory medical measures

Article 432

(1) (Supplemented, SG No. 63/2017, effective 5.11.2017) After expiry of six months following the admission for compulsory treatment, the court in the area of the medical institution where the person has been admitted shall ex officio make pronouncement on extension, replacement or termination of the compulsory treatment.

(2) Prior to the expiry of the six-month period following admission for compulsory treatment, as well as in cases under Article 89, indent "a" of the Criminal Code, the court may replace or terminate the compulsory treatment upon proposal of the prosecutor.

(3) The court shall make pronouncement on the extension, replacement or termination of compulsory medical measures at a court hearing after obtaining the opinion of the appropriate health establishment and the report of an expert-psychiatrist.

Section II
REHABILITATION

Courts which may decree rehabilitation

Article 433

(1) Rehabilitation may be decreed by the court which has issued the sentence as first instance.

(2) Where the person has been sentenced with several sentences by different courts, that court which has imposed the heaviest punishment shall be competent, and where the punishments are equally heavy - the court which has issued the last sentence.

Application for rehabilitation

Article 434

(1) Proceedings for rehabilitation shall be initiated upon written application by the convicted person.

(2) The following shall be enclosed with the application for rehabilitation:

1. a copy of the sentence, and where the case-file has been destroyed - a copy of the convictions record;

2. evidence that the conditions under Article 87 of the Criminal Code are at hand.

Examination of the application

Article 435

(1) The application for rehabilitation shall be examined by the court at a court hearing to which the applicant shall be summonsed.

(2) The participation of the prosecutor shall be mandatory.

Ruling of the court

Article 436

(1) The court shall make its pronouncement by ruling.

(2) Appeals or protests against the ruling may be lodged within seven days following its pronouncement and they shall be examined in pursuance of chapter twenty-one.

(3) Should it revoke the ruling, the intermediate appellate review instance court shall resolve the case.

(4) Should the application be rejected, a new application may be filed not earlier than one year following the pronouncement of the ruling.

Chapter thirty-five
PROCEEDINGS IN CONNECTION WITH THE EXECUTION OF PUNISHMENTS

Section I
Early release

Proposal or application for early release

(Title amended, SG No. 13/2017, effective 7.02.2017)

Article 437

(1) Proposals for early release under Article 70 and 71 of the Criminal Code may be made by:

1. the district prosecutor, the military prosecutor, respectively, at the place of execution of the punishment;

2. (amended, SG No. 13/2017, effective 7.02.2017) the the prison director;

3. (repealed, SG No. 109/2008).

(2) (New, SG No. 13/2017, effective 7.02.2017, supplemented, SG No. 63/2017, effective 5.11.2017) The convict may submit an application for early release under Article 70 and 71 of the Criminal Code. The application shall be routed through the prison director, who shall be obliged to express an opinion thereon.

(3) (Repealed, SG No. 109/2008, renumbered from Paragraph 2, amended and supplemented, SG No. 13/2017, effective 7.02.2017) The personal file of the person, the other written materials of significance for the correct decision of the case and a list of the persons who have to be summonsed shall be enclosed with the proposal or application.

Court which shall examine the proposal

(Title amended, SG No. 13/2017, effective 7.02.2017)

Article 438

(Amended, SG No. 13/2017, effective 7.02.2017) The proposal or the application under Article 437, Paragraph 1 or 2 shall be examined by the District or Military Court at the location of service of the punishment.

Procedure for examination of the proposal or the application

(Title supplemented, SG No. 13/2017, effective 7.02.2017)

Article 439

(1) (Supplemented, SG No. 13/2017, effective 7.02.2017) The court shall hear the proposal or the application in a panel of one, in camera.

(2) (Amended, SG No. 109/2008, SG No. 13/2017, effective 7.02.2017) Participation by the prosecutor, the prison director or a representative of the prison director and the convict shall be mandatory.

(3) (Amended, SG No. 13/2017, effective 7.02.2017) The convict shall be entitled to have a defense counsel. The court shall appoint an official defense counsel, if the convict is unable to afford the remuneration of its own defense counsel, wishes to have a defense counsel and the interests of justice require there to be a defense counsel.

(4) (New, SG No. 98/2020) Where this does not impede the exercise of the right to defense, the convict may, with his consent, participate in the case by videoconference, in which case his identity shall be checked by the prison director, or an official designated by him.

(4) (Amended, SG No. 13/2017, effective 7.02.2017) Upon completion of the collection and verification of evidence, the court shall give the floor to the prison director and to the prosecutor.

(5) (Repealed, SG No. 13/2017, effective 7.02.2017, renumbered from Paragraph 4, SG No. 98/2020) Upon completion of the collection and verification of evidence, the court shall give the floor to the prison director and to the prosecutor.

(6) The convict shall be the last to make a statement.

Evidence of correction of the convict

Article 439a

(New, SG No. 13/2017, effective 7.02.2017)

(1) Evidence of correction shall be all circumstances which indicate a positive change in the convict while seving his or her sentence, such as good behavior, participation in labor, educational, training, qualification or sports activities and in specialized influence programs,

(2) The evidence of correction shall be established by an evaluation of the convict under Article 155 of the Implementation of Penal Sanctions and Detention in Custody Act, the work according to the individual plan for execution of the sentence under Article 156 of that same Act, as well as by all other information sources on the behavior of the convict while serving his or her sentence.

(3) The non-implementation of incentive measures, the non-participation in programs and activities under Paragraph 1, when they were not accessible to the convict, or the magnitude of the punishment remaining to be served cannot be the sole grounds for refusing to decree an order for early release, without examining the overall behavior of the convict while serving his or her sentence.

Ruling of the court

Article 440

(1) The court shall make its pronouncement by reasoned ruling.

(2) (Amended, SG No. 13/2017, effective 7.02.2017, SG No. 63/2017, effective 5.11.2017) The ruling of the court shall be subject to appeal by the convict or by the prison director and shall be subject to protest by the prosecutor according to the procedure laid down in Chapter Twenty Two.The court ruling shall be enforced immediately after expiry of the term for making an appeal, unless a partial protest or complaint has been lodged, which is not in the best interest of the convict.

A new proposal or a new application

Article 441

(Amended, SG No. 13/2017, effective 7.02.2017)

When the proposal or the application under Article 437 is not granted by the court, a new proposal or a new application can be submitted not earlier than 6 (six) months after the date of entry into force of the court ruling.

Court which shall make pronouncement on serving the remainder of the punishment

Article 442

Where the early released individual commits a new crime within the probation period, the matters under Article 70, paragraphs (7) and (8) of the Criminal Code shall be resolved by the court which has jurisdiction in the case of the new crime.

Section II
Revocation of the validity of work days

Proposal for revocation

Article 443

A proposal for revocation of recognized work days in case of deprivation of liberty pursuant to Article 41, paragraphs (4) of the Criminal Code may be made by:

1. the district prosecutor at the place of execution of the punishment;
2. the Governor of the prison.

Examination of the proposal

Article 444

(1) The proposal shall be examined by the District Court at the location where deprivation of liberty is served, sitting in panel composed of one judge and two court assessors.

(2) The ruling of the court may be appealed within seven days of its issuance in pursuance

of Chapter twenty-two.

(3) Should it revoke the ruling, the intermediate appellate review instance court shall resolve the case.

(4) Insofar as there are no special rules in this section, the rules of Section I of this Chapter shall apply.

Section III
Replacement of the regime of deprivation of liberty with a heavier one

Proposal for replacement

Article 445

Proposals for replacement of the regime of deprivation of liberty with a heavier than the one determined by court, may be made by:

1. the District Prosecutor at the location where the sentence is served;

2. (amended, SG No. 32/2016) the Governor of the prison;

3. the supervisory commission at the place of execution of the punishment.

Procedure for examination of the proposal

Article 446

(1) The proposal shall be examined by the District Court at the location where the punishment is served, sitting in panel composed of a judge and two court assessors.

(2) The ruling of the court may be appealed within seven days of its issuance in pursuance of Chapter twenty-two.

(3) Should it revoke the ruling, the intermediate appellate review instance court shall resolve the case.

(4) Insofar as there are no special rules in this Section, the rules of Section I of this Chapter shall apply.

Section IV
Interruption of the execution of a punishment of deprivation of liberty or probation
(Title supplemented, SG No. 32/2010, effective 28.05.2010)

Grounds for interrupting the execution

Article 447

(Supplemented, SG No. 32/2010, effective 28.05.2010) The execution of a punishment of deprivation of liberty or probation may be interrupted:

1. (amended, SG No. 32/2010, effective 28.05.2010) where a convicted woman gives birth to a child while serving time, until the child reaches one year of age;

2. under exceptional reasons of family or public nature - for not longer than three months;

3. where the convict falls seriously ill - until the recovery of his/her health;

4. for sitting for examination at an educational establishment - for up to ten days;

5. (new, SG No. 32/2010, effective 28.05.2010) in cases of temporary extradition of the convict to another country, or in cases of temporary surrender of the convict requested under a European arrest warrant by the issuing EU Member State, until expiry of the time limit laid down by a written agreement concluded between both states concerned.

Body who interrupts execution
Article 448

(1) Service of the punishment shall be interrupted by the District Prosecutor at the location where it is served.

(2) (Amended, SG No. 32/2016) A proposals for interruption may also be made by the Governor of the prison.

Section V
Replacement of life imprisonment with deprivation of liberty

Proposal or application for replacement
Article 449

(Amended, SG No. 13/2017, effective 7.02.2017)

The proposal for replacement of the life imprisonment punishment with deprivation of liberty may be made by the district prosecutor at the place where the punishment is served or by the prison director. The convict can submit an application for replacement.

Procedure for examination of the proposal or application
(Title amended, SG No. 13/2017, effective 7.02.2017)
Article 450

(1) (Supplemented, SG No. 13/2017, effective 7.02.2017) The proposal or application shall be examined by the District Court at the location where the punishment is served, sitting in a panel composed of two judges and three court assessors.

(2) The participation of the prosecutor, the Governor of the prison and of the convict shall be mandatory.

(3) (Amended and supplemented, SG No. 63/2017, effective 5.11.2017) The court shall make its pronouncement by reasoned ruling. The ruling of the court shall be subject to appeal by the convict or by the prison director and shall be subject to protest by the prosecutor according to the procedure laid down in Chapter Twenty-Two. The ruling shall be executed forthwith after the expiry of the time limits for appeal, unless a partial protest or complaint has been lodged, which is not in the best interest of the convict.

(4) (Amended, SG No. 13/2017, effective 7.02.2017) Where the proposal or application under Article 449 is not granted, a new proposal or a new application can be made or submitted not earlier than 2 (two) years following the pronouncement of the ruling.

Section VI
Replacement of the punishment of probation with deprivation of liberty

Proposal for replacement
Article 451

The following shall be able to make a proposal for replacement of the punishment of probation with deprivation of liberty:

1. The District Prosecutor at the location where the sentence is served;
2. The Chair of the Probation Board at the location where the sentence is served.

Procedure for examination of the proposal
Article 452

(1) (Supplemented, SG No. 32/2010, effective 28.05.2010) The proposal shall be examined by the district court at the location where probation is served sitting in panel composed of a one judge and two court assessors. The court shall issue a ruling, which shall be appealable and contestable within seven days following its rendering as per the procedure of Chapter Twenty-One.

(2) (Supplemented, SG No. 32/2010, effective 28.05.2010) Participation of the prosecutor, the Chair of the Probation Board and of the sentenced person shall be mandatory, excluding the cases under Article 269(3).

(3) (Amended, SG No. 32/2010, effective 28.05.2010) The provisions of Paragraphs 1 and 2 shall also apply when imposing another probation measure, as well as when substituting one probation measure with another. The court shall issue a ruling which may be appealed or protested within seven days of being issued in pursuance of Chapter twenty-two.

(4) Insofar as this Section contains no special rules, the provisions of Section I of this Chapter shall apply.

Chapter thirty-six
PROCEEDINGS IN RELATION TO INTERNATIONAL COOPERATION IN CRIMINAL MATTERS

Section I
Transfer of Sentenced Persons

Competent body
Article 453

(1) The transfer of individuals sentenced by a court of the Republic of Bulgaria to the purpose of serving their punishment in the state of which they are the nationals, and the transfer of Bulgarian citizens sentenced by a foreign court for the purpose of serving their punishment in the Republic of Bulgaria shall be decided by the Prosecutor-General in an agreement with the competent body of the other state, in the case where consent of the sentenced individual in writing is available.

(2) A decision on the transfer of a sentenced individual may also be taken after service of his/her punishment has begun.

Transfer in the absence of consent by the individual
Article 454

(1) The consent of a Bulgarian national convicted by a foreign court or of a foreign national convicted by a Bulgarian court shall not be required, where:

1. The sentence or a subsequent administrative decision of the sentencing state includes an expulsion (deportation) order or another act, by virtue of which the individual, following his/her release from an institution for deprivation of liberty, may not stay within the territory of the sentencing state;

2. Before serving his or her sentence the sentenced individual has escaped from the sentencing state to the territory of the state whose national he or she is.

(2) In cases falling under Paragraph 1, item 1, before issuing a decision for transfer, the opinion of the sentenced person shall be taken into account.

Setting the place, time and procedure for delivery and admission
of the sentenced person
Article 455

The place, time and procedure for delivery and admission of the convicted person shall be determined by agreement between the Prosecutor General and the competent body of the other state.

Request for detention

Article 456

(1) Where information is available that an individual sentenced by a Bulgarian court is located on the territory of the state whose national he or she is, the Prosecutor-General may extend a request to the foreign country's authorities to detain said individual, in respect of whom a request shall be made for the enforcement of his or her sentence to be taken over, notifying that a sentence for such individual has come into effect.

(2) In the event a request for the detention of a Bulgarian national has been received from another state, Article 64 and 68 shall apply mutatis mutandis.

Decision of the court on issues relevant to the execution of the sentence

Article 457

(1) After the sentenced individual arrives in the Republic of Bulgaria or it has been found that he or she is located on its territory, the Prosecutor-General shall forward the sentence accepted for execution and the materials attached thereto, to Sofia City Court, with a proposal to resolve the issues relevant to its execution.

(2) The court shall decide on the proposal by ruling at a court hearing with the participation of a prosecutor and with summonsing of the sentenced individual.

(3) (Supplemented, SG No. 27/2009, effective 1.06.2009, amended, SG No. 63/2017, effective 5.11.2017) The ruling shall specify the number and date of the sentence admitted for execution, the case in which it has been issued, the text of the law of the Republic of Bulgaria providing for responsibility for the crime committed, the term of punishment by deprivation of liberty imposed by the foreign court, and shall determine the initial regime for serving the punishment.

(4) Where under the law of the Republic of Bulgaria the maximum term of deprivation of liberty for the committed crime is shorter than that fixed in the sentence, the court shall decrease the imposed punishment to that term. Where the law of the Republic of Bulgaria does not provide for deprivation of liberty for the crime committed, the court shall determine a punishment which most fully corresponds to that imposed with the sentence.

(5) The pre-trial detention and the punishment already served in the state in which the sentence has been pronounced shall be deducted, and where the punishments are different the same shall be taken into consideration in determining the term of the punishment.

(6) The additional punishments imposed with the sentence shall be subject to execution if such are provided in the respective text of the legislation of the Republic of Bulgaria, and they have not been executed in the state in which the sentence has been pronounced.

(7) The ruling of the court shall be subject to appeal before Sofia Appellate Court.

Execution of a judgement of a foreign court for the revocation or modification of a sentence

Article 458

(1) A judgement modifying a sentence issued by the court of the other state after the transfer of the sentenced individual shall be admitted for execution pursuant to the procedure under the Article 457.

(2) A judgement for the revocation of a sentence issued by the court of the other state after transfer of the sentenced individual shall be immediately enforced at the orders of the Prosecutor-General.

(3) Where the sentence of the foreign court has been revoked and a new investigation or trial of the case has been ruled, the issue of the institution of criminal proceedings against the person

delivered to the purpose of serving punishment shall be decided by the Prosecutor-General pursuant to the laws of the Republic of Bulgaria.

Review of the sentence

Article 459

(1) The sentence with respect to an individual transferred or admitted pursuant to this Section to the purpose of serving punishment shall be subject to review only by the competent bodies of the state in which it has been issued.

(2) Where the sentence with respect to an individual transferred to the purpose of serving punishment in another state is revoked or modified, the Supreme Prosecution Office of Cassation shall forward a copy of the judgement to the competent body of that state. If a new investigation or trial of the case has been ruled, all the necessary materials therefore shall also be forwarded.

Termination of punishment service in the event of amnesty

Article 460

(1) In the event of amnesty in the Republic of Bulgaria, service of punishment under a foreign sentence admitted for execution shall be terminated pursuant to the general procedure.

(2) In the event of amnesty in the state in which the sentence admitted for execution has been issued, service of the punishment shall be terminated immediately by order of the Prosecutor-General.

(3) In the event of amnesty in the Republic of Bulgaria, the Prosecutor-General shall notify immediately the competent body of the state to which the individual has been transferred for serving the punishment.

Force and effect of the sentence

Article 461

The sentence accepted for execution pursuant to this Section, as well as the decision for its modification or revocation, shall have the force and effect of sentence and decision issued by a court of the Republic of Bulgaria.

Application of the provisions of this Section

Article 462

The provisions of this Section shall be applicable unless otherwise agreed in an international agreement to which the Republic of Bulgaria is a party.

Section II
Recognition and enforcement of a sentence issued by a foreign national court

Conditions necessary for the recognition and execution of sentences issued by foreign national courts

Article 463

An effective sentence issued by a foreign national court shall be recognised and enforced by the authorities in the Republic of Bulgaria in compliance with Article 4, Paragraph 3 where:

1. The act in respect of which the request has been made constitutes a criminal offence under Bulgarian law;

2. The offender is criminally responsible under Bulgarian law;

3. The sentence has been issued in full compliance with the principles of the Convention for the Protection of Human Rights and Fundamental Freedoms and with the Protocols thereto, to which the Republic of Bulgaria is a party;

4. The offender has not been sentenced for a crime that is considered political or for one associated with a political or a military crime;

5. In respect of the same offender and for the same crime the Republic of Bulgaria has not recognised any sentence issued by another national court;

6. The sentence does not stand in contradiction to the fundamental principles of Bulgarian criminal and criminal procedural law.

Conditions necessary for a refusal to recognise and execute a sentence issued by a foreign national court

Article 464

The request of another state for the recognition and enforcement of a sentence issued by a court in said state shall be rejected, where:

1. The punishment imposed may not be served due to the expiry of the prescription period envisaged under the Bulgarian Criminal Code;

2. At the moment the criminal offence was committed no criminal proceedings in the Republic of Bulgaria could have been initiated against the sentenced individual;

3. In respect of the same criminal offence against the same individual in the Republic of Bulgaria criminal proceedings are pending, a sentence has come into force, or a decree or ruling terminating the proceedings have come into force;

4. There are sufficient grounds to believe that a sentence has been imposed or aggravated due to racial, religious, national or political considerations;

5. Execution stands in contradiction to international obligations of the Republic of Bulgaria;

6. The offence has been committed outside its territory.

Procedure for recognition

Article 465

(1) A request for the recognition of a sentence issued by a foreign court in the Republic of Bulgaria shall be extended by the competent authority of the other state concerned to the Ministry of Justice.

(2) The Ministry of Justice shall refer the request together with the sentence and other relevant documents attached thereto to the district court at the place of residence of the sentenced individual. Where the latter does not live in this country, Sofia City Court shall be competent to examine the request.

(3) The court shall examine the request for recognition of the sentence issued by a foreign national court hearing in a panel of three judges, at an open hearing of the court, which shall be attended by the prosecutor, a counsel for the sentenced individual being appointed, where the latter has not hired one.

(4) After hearing the prosecutor, the sentenced person and his or her counsel the court shall issue a decision within 10 days, whereby it shall honour or reject the request for recognition of the sentence issued by a foreign national court.

(5)The decision of the court shall be subject to appeal or protest before the respective Appellate Court within seven days from its notification.

(6) The appeal and protest shall be examined by the respective Appellate Court within 10 days from being received at the court. The decision of the Appellate Court shall be final.

(7) A certified copy of a judgement which has come into effect shall be sent to the Ministry of Justice, which shall forward it to the competent authorities of the state which had requested recognition of the sentence. Where at the time a judgement is issued the sentenced individual serves a sentence to deprivation of liberty in another state, the court shall serve him or her with a copy of the decision, acting through the Ministry of Justice.

Effect of the judgement, recognising a sentence issued by a foreign national court

Article 466

(1) A judgement whereby a sentence issued by a foreign national court has been recognised has the effect of a sentence issued by a Bulgarian court.

(2) Where the punishment of imprisonment has been imposed on several individuals in the sentence concerned issued by a foreign national court, recognition shall only have effect in respect of the individual for whom recognition of the sentence has been requested.

(3) Where the recognised sentence issued by a foreign national court only concerns an isolated offence belonging to a series of offences, which have been committed on the territory of another state, the recognised sentence shall not be an obstacle to the criminal prosecution of the sentenced individual in respect of other offences included in the series of offences, which have been committed on the territory of the Republic of Bulgaria.

Remand in custody

Article 467

(1) In order to secure the execution of a punishment to deprivation of liberty imposed by a sentence issued by a foreign national court, the competent court under Article 465, Paragraph 2 may, at any time after institution of proceedings for recognition and execution of the sentence concerned issued by a foreign national court and until a judgement has come into effect, set a measure of remand in custody and serve it on the sentenced individual who is in the territory of the Republic of Bulgaria.

(2) A ruling imposing a measure of remand in custody shall be appealed pursuant to the general rules.

Execution procedure

Article 468

(1) The district court at the place of residence of the sentenced individual shall be competent to rule on the execution of a judgement, recognising a sentence issued by a foreign national court, and where a sentenced individual does not have a place of residence inside this country, this shall be Sofia City Court.

(2) A court under Paragraph 1 shall also be competent to rule on the execution of a judgement on the rights over any assets that have been forfeited or confiscated.

(3) The court under Paragraph 1 shall be competent in all matters pertaining to the procedure for execution, including the examination of a request for clear criminal record in respect of the punishment of deprivation of liberty imposed in the sentence issued by a foreign national court.

(4) The court shall rules on the issue of the period of service of a punishment of deprivation of liberty, deducting the period of detention in custody and the punishment of deprivation of liberty, which has been served in the other state.

(5) The court shall terminate the procedure for enforcement of the punishment of deprivation of liberty in respect of a recognised sentence issued by a foreign national court where the state whose court had issued it announces amnesty, pardon or gives any other reason due to which the subsequent enforcement of the sentence is inadmissible. Where by virtue of amnesty, pardon or another reason the punishment imposed is reduced, the court shall decide what portion of the sentence should be served. The decision of the court shall be subject to appeal following the general rules.

(6) The provisions of the Criminal Procedure Code for enforcement of sentences shall also apply to the enforcement of a decision, whereby a sentence issued by a foreign national court has been recognised.

Recognition and enforcement of other judicial acts

Article 469

(Supplemented, SG No. 15/2010, amended, SG No. 25/2012, effective 28.04.2012)

Other acts of foreign national courts, ruling the forfeiture or confiscation of the means of crime and of proceeds acquired through crime, or of their equivalent, shall be recognised and

enforced pursuant to this section.

Necessary conditions for requests addressed to another state for the recognition and execution of a sentence issued by a Bulgarian court

Article 470

A request addressed to another state for the recognition and enforcement of a sentence issued by a Bulgarian court shall be made by the respective Bulgarian court and sent by the Ministry of Justice where:

1. The sentenced individual has his or her permanent residence in said other state;

2. The execution of the sentence in the other state may improve the chances of the sentenced person for re-socialisation;

3. The individual has been sentenced to deprivation of liberty and has already started serving or should serve another punishment of deprivation of liberty in said other state;

4. The other state is the state of origin of the sentenced individual and it has stated its wish to admit the sentence for service;

5. The punishment may not be executed in the Republic of Bulgaria, even as a result of extradition.

Application of the Provisions of the Section

Article 470a

(New, SG No. 25/2012, effective 28.04.2012)

The provisions of this Section shall apply save insofar as otherwise provided for in a law or in an international treaty which has been ratified, has been promulgated and has entered into force for the Republic of Bulgaria.

Section III
International Legal Assistance in Criminal Cases

Grounds and contents of international legal assistance

Article 471

(1) International legal assistance in criminal matters shall be rendered to another state under the provisions of an international treaty executed to this effect, to which the Republic of Bulgaria is a party, or based on the principle of reciprocity. International legal assistance in criminal cases shall also be made available to international courts whose jurisdiction has been recognised by the Republic of Bulgaria.

(2) International legal assistance shall comprise the following:

1. Service of process;

2. Acts of investigation;

3. Collection of evidence;

4. Provision of information;

5. Other forms of legal assistance, where they have been provided for in an international agreement to which the Republic of Bulgaria is a party or have been imposed on the basis of reciprocity.

Refusal of international legal assistance

Article 472

International legal assistance may be refused if the implementation of the request could threaten the sovereignty, the national security, the public order and other interests, protected by law.

Appearance of witnesses and experts before a foreign national court

Article 473

(1) Appearance of witnesses and experts before foreign national judicial bodies shall be allowed only if assurance is provided, that the individuals summonsed, regardless of their citizenship, shall not incur criminal liability for acts committed prior to summonsing. In the event they refuse to appear, no coercive measures may be taken in respect thereof.

(2) The surrender of individuals remanded in custody to the purpose of being interrogated as witnesses or experts shall be only admitted under exceptional circumstances at the discretion of a panel of the respective district court, based on papers submitted by the other country, or an international court, provided the individual consents to being surrendered, and his/her stay in another state does not extend beyond the term of his/her remand in custody.

Interrogation of individuals through a video or phone conference

Article 474

(1) (Amended, SG No. 32/2010, effective 28.05.2010) The judicial body of another state may conduct an interrogation, through a video or phone conference, of an individual who appears as a witness or expert in the criminal proceedings and is located in the Republic of Bulgaria, as well as an interrogation with the participation of an accused party only if such interrogating does not run counter to the fundamental principles of Bulgarian law. An interrogation through a video conference involving the accused party or a suspect may only be conducted upon their consent and once the participating Bulgarian judicial authorities and the judicial authorities of the other state agree on the manner in which the video conference will be conducted.

(2) The request for interrogation filed by a judicial body of the other state should indicate:

1. The reason why the appearance in person of the individual is undesirable or impossible;
2. The name of the judicial body of the other state;
3. The data of individuals who shall conduct the interrogation;
4. The consent of the individual who shall be interrogated as a witness or expert through a phone conference;
5. Consent of the accused party who will take part in an interrogation hearing through a video conference.

(3) (Supplemented, SG No. 63/2017, effective 5.11.2017) Bulgarian competent authorities in the field of criminal proceedings shall implement requests for interrogation through a video or phone conferences. For the needs of pre-trial proceedings, a request for interrogation through a video or phone conference shall be implemented by the National Investigation Service. For the need of judicial proceedings, a request for interrogation through a phone conference shall be implemented by a judge in a court of equal standing at the place of residence of the individual, and for interrogation through a video conference – by a judge in the Appellate Court at the place of residence of the individual. The competent Bulgarian authority may require the requesting party to ensure technical facilities for interrogation.

(4) The interrogation shall be directly conducted by the judicial authority of the requesting state or under its direction, in compliance with the legislation thereof.

(5) Prior to the interrogation the competent Bulgarian authority shall ascertain the identity of the person who needs to be interrogated. Following the interrogation a record shall be drafted, which shall indicate:

1. The date and location thereof;
2. The data of the interrogated individual and his or her consent, if it is required;
3. The data of individuals who took part therein on the Bulgarian side;
4. The implementation of other conditions accepted by the Bulgarian party.

(6) An individual who is abroad may be interrogated by a competent Bulgarian authority or under its direction through a video or phone conference where the legislation of said other state so admits. The interrogation shall be conducted in compliance with Bulgarian legislation and the provisions of international agreements to which the Republic of Bulgaria is a party, wherein the above means of interrogation have been regulated.

(7) The interrogation through a video or phone conference under Paragraph 6 shall be carried out in respect of pre-trial proceedings by the National Investigation Service, whereas in respect of trial proceedings - by the court.

(8) The provisions of Paragraphs 1 - 5 shall apply mutatis mutandis to the interrogation of individuals under Paragraph 6.

Procedure for submission of a request to another country or international court

Article 475

(1) A letter rogatory for international legal assistance shall contain data about: the body filing the letter; the subject and the reasoning of the letter; full name and citizenship of the individual to whom the letter refers; name and address of the individual on whom papers are to be served; and, where necessary - the indictment and a brief description of the relevant facts.

(2) A letter rogatory for international legal assistance shall be forwarded to the Ministry of Justice, unless another procedure is provided by international treaty to which the Republic of Bulgaria is a party.

Execution of request by another country or international court

Article 476

(1) Request for international legal assistance shall be executed pursuant to the procedure provided by Bulgaria law or pursuant to a procedure provided by an international agreement to which the Republic of Bulgaria is a part. A request may also be implemented pursuant to a procedure provided for in the law of the other country or the statute of the international court, should that be requested and if it is not contradictory to the Bulgarian law. The other country or international court shall be notified of the time and place of execution of the request, should that be requested.

(2) Request for legal assistance and all other communications from the competent authorities of another state which are sent and received by fax or e-mail shall be admitted and implemented by the competent Bulgarian authorities pursuant to the same procedure as those sent by ordinary mail. The Bulgarian authorities shall be able to request the certification of authenticity of the materials sent, as well as to obtain originals by express mail.

(3) The Supreme Prosecution Office of Cassation shall set up, together with other states, joint investigation teams, in which Bulgarian prosecutors and investigative bodies will take part. An agreement with the competent authorities of the participant states shall be entered in respect of the activities, duration and composition of a joint investigation team. The joint investigation team shall comply with provisions of international agreements, the stipulations of the above agreement and Bulgarian legislation while being on the territory of the Republic of Bulgaria.

(4) The Supreme Prosecution Office of Cassation shall file requests with other states for investigation through an under-cover agent, controlled deliveries and cross-border observations and it shall rule on such requests by other states.

(5) In presence of mutuality a foreign authority carrying out investigation through an agent under cover on the territory of the Republic of Bulgaria shall be able to collect evidence in accordance with its national legislation.

(6) In urgent cases involving the crossing of the state border for the purposes of cross-border observations on the territory of the Republic of Bulgaria the Supreme Prosecution Office of Cassation shall be immediately notified. It shall make a decision to proceed with or terminate cross-border observations pursuant to the terms and conditions of the Special Intelligence Means Act.

(7) The implementation of requests for controlled delivery or cross-border observations filed by other states shall be carried out by the competent investigation authority. It shall be able to

request assistance from police, customs and other administrative bodies.

Costs for execution of request

Article 477

The costs for execution of request shall be distributed between the countries in compliance with international treaties to which the Republic of Bulgaria is a party, or on the basis of the principle of reciprocity.

Section IV
Transfer of Criminal Proceedings

Transfer of criminal proceedings from another state

Article 478

(1) A request for the transfer of criminal proceeding by another state shall be sent to:

1. The Supreme Prosecution Office of Cassation - in respect of pre-trial proceedings;

2. The Ministry of Justice - in respect of trial proceedings.

(2) (Amended, SG No. 32/2010, effective 28.05.2010) The Authorities referred to in Paragraph 1 shall immediately forward the request for the transfer of criminal proceedings by another state to the competent authority entrusted with criminal proceedings in compliance with the provisions of this Code. Where the jurisdiction cannot be determined under the rules of Article 37, the transfer request shall be forwarded to Sofia courts. The request for the transfer of criminal proceedings by another state shall be admitted by the authority entrusted with criminal proceedings where several of the following grounds have occurred:

1. The act in respect of which the request has been made constitutes a criminal offence under Bulgarian law;

2. The offender is criminally responsible under Bulgarian law;

3. The offender has his or her permanent residence on the territory of the Republic of Bulgaria;

4. The offender is a national of the Republic of Bulgaria;

5. The offence in respect of which a request has been made is not considered a political or politically associated, nor a military offence;

6. The request does not aim at prosecuting or punishing the person due to his or her race, religion, nationality, ethnic origin, sex, civil status or political affiliations;

7. Criminal proceedings in the Republic of Bulgaria in respect of the same or another offence have been initiated against the offender;

8. The transfer of proceedings is in the interest of discovering the truth and the most important pieces of evidence are located on the territory of the Republic of Bulgaria;

9. The enforcement of the sentence, should one be issued, will improve the chances of the sentenced person for re-socialisation;

10. The personal appearance of the offender may not be ensured in proceedings in the Republic of Bulgaria;

11. The sentence, if one is issued, may be enforced in the Republic of Bulgaria;

12. The request does not contradict international obligations of the Republic of Bulgaria;

13. The request does not stand in contradiction to the fundamental principles of Bulgarian criminal and criminal procedural law.

(3) (Repealed, SG No. 103/1993, effective 28.05.2010).

(4) Any procedural action taken by a body of the requesting state in accordance with its national law shall enjoy in the Republic of Bulgaria the same probative power as it would enjoy if it were taken by a Bulgarian authority.

Transfer of criminal proceedings to another state

Article 479

(1) Where the individual against whom criminal proceedings have been instituted in the Republic of Bulgaria is the national of another state or has his or her permanent residence in another state, the authorities under Paragraph 2 may file a request for the transfer of criminal proceedings to said state.

(2) The request for transfer of criminal proceedings to another state at the proposal of competent Bulgarian authorities in the field of criminal proceedings shall be filed:

1. The Supreme Prosecution Office of Cassation - in respect of pre-trial proceedings;

2. The Ministry of Justice - in respect of trial proceedings.

(3) A request for the transfer of criminal proceedings to another state may be extended, where:

1. The extradition of an individual who committed the offence from the requested state is impossible, is not allowed or has not been requested for other reasons;

2. It is opportune for criminal proceedings to take place in the requested state in order to establish the facts, determine the sentence or enforce it;

3. The individual who committed the offence is or shall be extradited to the requested state or his or her appearance at the criminal proceedings in said state in person is possible due to other reasons;

4. The extradition of an individual who has been sentenced by a Bulgarian court and the sentence has taken effect is impossible or not allowed by the requested state or where the enforcement thereof in said state is impossible.

(4) If the requested state allows the transfer of criminal proceedings, they may not be pursued on the territory of the Republic of Bulgaria against the individual who committed the offence and the sentence imposed under Paragraph 3, item 4 in respect of the offence in relation to which criminal proceedings have been transferred, shall not be enforced.

(5) Pre-trial authorities or the court may pursue criminal proceedings or refer the sentence for enforcement, where the requested state:

1. Once it has admitted the request for transfer does not institute any criminal proceedings;

2. Subsequently rescinds its decision to transfer the criminal proceedings;

3. Does not pursue the proceedings.

Section V
(New, SG No. 63/2017, effective 5.11.2017)
Decision by subsidiary competence. Parallel criminal proceedings

Decision by subsidiary competence

Article 480

In the event where information has been received from the authority of another state concerning the institution of criminal proceedings or the forthcoming institution of criminal proceedings in relation to a criminal offence committed in said other state, the competent prosecutor under Article 37 shall make a decision whether Bulgarian authorities will exercise their power under Article 4, Paragraph 1 concerning the institution of criminal proceedings in respect of the same criminal offence.

Information in parallel criminal proceedings

Article 481

(New, SG No. 63/2017, effective 5.11.2017) In the case of parallel criminal proceedings in the Republic of Bulgaria and other Member States of the European Union, the competent authorities shall provide each other with information about:

1. the facts and circumstances that are the subject of the criminal proceedings concerned;
2. details about the identity of the perpetrator and about the victims;
3. the procedural actions performed;
4. the imposed measures of procedural coercion;
5. the name, address, telephone and fax number, and e-mail address of the competent authority;
6. any other information.

Information exchange

Article 482

(New, SG No. 63/2017, effective 5.11.2017) (1) The information exchange can take place through:

1. the contact points of the European Judicial Network;

2. Eurojust;

3. mail, e-mail or telefax;

4. any other reliably secured manner, where its authenticity data may be verified.

(2) The information shall be provided by the Bulgarian competent authority to the competent authority of the other Member State of the European Union within the time limit specified, accompanied by a translation in the official language of the requesting Member State, or in another official language of the institutions of the European Union which the said Member State has adopted by a declaration deposited with the General Secretariat of the Council.

(3) Information sent to a competent authority in the Republic of Bulgaria shall be accompanied by a translation into the Bulgarian language.

Consultations

Article 483

(New, SG No. 63/2017, effective 5.11.2017) (1) Decisions to conduct criminal proceedings in the Republic of Bulgaria or another Member State of the European Union shall be made following direct consultations between and the written agreement of the relevant competent authorities.

(2) (New, SG No. 103/2020) When taking the decision under Paragraph 1, the competent authority shall take into account the circumstances which are the subject of the criminal proceedings, including:

1. the territory of the Member State where the crime was committed;
2. the nationality or permanent residence of the perpetrator;
3. the nationality or permanent residence of the victim;
4. the territory of the Member State where the perpetrator was found.

(3) (Renumbered from Paragraph 2, amended, SG No. 103/2020) The supervising prosecutor with regard to pre-trial proceedings and the court trying the case shall be competent to provide information and to participate in taking the decision referred to in Paragraph 1.

Consequences of reaching an agreement

Article 484

(New, SG No. 63/2017, effective 5.11.2017) (1) Where agreement has been reached to conduct the criminal proceedings in another Member State of the European Union, the proceedings initiated in the Republic of Bulgaria shall be terminated on the grounds of Article 24,

Paragraph (1), Item 6 herein.

(2) Where agreement has been reached to conduct the criminal proceedings in the Republic of Bulgaria, the competent Bulgarian authority shall notify the authority of the other Member State of the result.

Chapter Thirty-Seven
(New, SG No. 63/2017, effective 5.11.2017)
REFERRENCES FOR PRELIMINARY RULINGS ON CRIMINAL MATTERS

National Court Competence
Article 485

(New, SG No. 63/2017, effective 5.11.2017) Where the interpretation of a provision of the European Union law in the field of police and judicial cooperation in criminal matters or the ruling on the validity and interpretation of instruments of the European Union institutions, bodies, services or agencies in such matters is relevant to the proper outcome of the case, the court before which the case is pending shall make a reference for preliminary ruling to the Court of Justice of the European Union.

Making a reference
Article 486

(New, SG No. 63/2017, effective 5.11.2017) (1) The reference shall be made by the court either ex officio or on a motion by any party.

(2) A court, the sentence or judgement of which is subject to appeal, may not honour a request for reference for a preliminary ruling, unless it finds itself that the grounds under Paragraph (4) exist. The ruling shall not be subject to appeal and protest.

(3) A court, the sentence or judgment of which is not subject to appeal, must make a reference for a preliminary ruling, except where the answer to the question arises clearly and unambiguously from a previous judgment of the Court of Justice of the European Union or the importance or meaning of the provision are so clear that they give no rise to any doubt whatsoever.

(4) The court shall always refer a question in the case of doubt as to the validity of an act referred to in Article 485.

(5) When making a reference for a preliminary ruling, the court shall send a copy thereof to the unit performing the procedural representation of the Republic of Bulgaria before the Court of Justice of the European Union.

Content of the reference
Article 487

(New, SG No. 63/2017, effective 5.11.2017) (1) The reference for a preliminary ruling shall contain:

1. the relevant facts and circumstances that are the subject of the proceedings concerned and the subject of the dispute;

2. the applicable national law and case law;

3. the provision or instrument the interpretation of which is requested;

4. the reasons why the court considers that the preliminary ruling is relevant to the proper outcome of the case;

5. a summary statement of the relevant views of the parties;

6. the specific questions referred for a preliminary ruling;

7. a statement of the facts and circumstances justifying the need for examining the reference for a preliminary ruling in an urgent procedure if such a need exists;

8. e-mail or telefax for direct contact.

(2) The court may keep secret the identity of one or several participants in or parties to the proceedings.

(3) The reference for a preliminary ruling shall be sent together with certified copies of the relevant documents within the case.

Stay and Resumption of Proceeding before National Court

Article 488

(New, SG No. 63/2017, effective 5.11.2017) (1) Upon making the reference, the court shall stay the proceeding in the case. Any ruling to stay shall not be subject to appeal and protest.

(2) The proceedings in the case shall be resumed immediately after the receipt of the instrument issued by the court for the preliminary ruling.

(3) The court may resume the proceedings in the case before receiving the instrument whereby the preliminary ruling is delivered, if procedural actions need to be taken as the only possible way to collect and preserve evidence. Upon finding new facts relevant to the reference for a preliminary ruling, the court shall immediately notify the Court of Justice of the European Union.

Measures of procedural coercion in cases of staying the proceedings

Article 489

(New, SG No. 63/2017, effective 5.11.2017) (1) In the event of staying the criminal proceedings in accordance with the procedure established by Article 488, Paragraph (1), the court shall make a pronouncement on the measures of procedural coercion.

(2) The parties may request that measures of procedural coercion be modified or revoked even when the proceedings are stayed.

(3) The rulings under Paragraph (1) shall be subject to appeal and protest in pursuance of Chapter Twenty-Two by a partial complaint or protest.

Sending a copy

Article 490

(New, SG No. 63/2017, effective 5.11.2017) The court shall send the Court of Justice of the European Union a copy of the instrument in force, issued on the case, in respect which a reference for a preliminary ruling has been made.

ADDITIONAL PROVISIONS
(Title amended, SG No. 7/2019)

§ 1. (1) For the purposes of this Code "next of kin" shall be the relatives in ascending line, descending line (including adopted children and stepchildren), relatives in collateral line to the fourth degree, as well as the in-laws to the third degree.

(2) (Repealed, SG No. 24/2015, effective 31.03.2015).

(3) (New, SG No. 63/2017, effective 5.11.2017) "Parallel proceedings" within the meaning of this Code shall mean criminal proceedings, which are conducted in two or more Member States of the European Union concerning the same facts involving the same person.

(4) (New, SG No. 63/2017, effective 5.11.2017) "Specific protection needs" within the meaning of this Code shall exist where it is necessary to implement additional measures for protection against secondary and repeat victimisation, intimidation and retaliation, emotional or psychological harm, including for protecting the dignity of victims during questioning.

(5) (New, SG No. 98/2020) "Videoconference" within the meaning of this Code shall be a communication link through a technical means for simultaneous transmission and reception of image and sound between participants in the process, located in different places, allowing recording and storage of information on electronic media.

(6) (New, SG No. 110/2020, effective 30.06.2021) "Electronic address" within the meaning of this Code shall be a personalized space in the unified e-justice portal, through which persons shall receive electronic notices, summons, subpoenas and court papers, qualified e-mail address, as well as e-mail address.

§ 1a. (New, SG No. 7/2019) The Code transposes the requirements of Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ, L 294/1 of 6 November 2013). The United Kingdom, Ireland and Denmark are not bound by the Directive and by its application.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The Criminal Procedure Code (published, SG No. 89 of 1974; amended, No. 99 of 1974; No. 10 of 1975; amended, No. 84 of 1977; No. 52 of 1980, No. 28 of 1982; amended, No. 38 of 1982; amended, No. 89 of 1986, No. 31 of 1990; amended, No. 32 and 35 of 1990; amended, No. 39, 109 and 110 of 1993, No. 84 of 1994, No. 50 of 1995, No. 107 and 110 of 1996, No. 64 of 1997; amended, No. 65 of 1997; amended, No. 95 of 1997, No. 21 of 1998, No. 45 of 1998. - Decision № 9 of the Constitutional Court of 1998; amended, No. 70 of 1999, No. 88 of 1999 - Decision № 14 of the Constitutional Court of the 1999; amended, No. 42 of 2001, No. 74 of 2002, No. 50 and 57 of 2003, No. 26, 38, 89 and 103 of 2004, No 46 of 2005) shall be rescinded.

§ 3. (1) Pending criminal cases, the jurisdiction of which is changed by this Code, shall be examined by the courts where they were instituted.

(2) Preliminary proceedings, which have not been completed, shall be completed by the bodies before which they are pending.

§ 4. With respect to the terms which have started running before the entry into force of this Code, the provisions which were in force before that shall apply, if they provide for longer terms.

§ 5. In the Criminal Code (published, SG No. 26 of 1968, amended, SG No. 29 of 1968, amended, SG No. 92 of 1969, SG No. 26 and 27 of 1973, SG No. 89 of 1974, SG No. 95 of 1975, SG No. 3 of 1977, No. 54 of 1978, No. 89 of 1979, No. 28 of 1982; amended, No. 31 of 1982; amended, No. 44 of 1984, No. 41 and 79 of 1985; amended, No. 80 of 1985; amended, No. 89 of 1986; amended, No. 90 of 1986; amended, No. 37, 91 and 99 of 1989, No, 10, 31 and 81 of 1990, No. 1 and 86 of 1991; amended, No. 90 of 1991; amended, No. 105 of 1991, No. 54 of 1992, No.

10 of 1993, No. 50 1995, No. 97 of 1995 - Decision № 19 of the Constitutional Court of 1995; amended, No. 102 of 1995, No. 107 of 1996, No. 62 and 85 of 1997, No. 120 of 1997 - Decision № 19 of the Constitutional Court of 1997; amended, No. 83, 85, 132, 133 and 153 of 1998; No. 7, 51 and 81 of 1999, No. 21 and 51 of 2000, No. 98 of 2000 - Decision № 14 of the Constitutional Court of 2000; amended, No. 41 and 101 of 2001, No. 45 and 92 of 2002, No. 26 and 103 of 2004, No. 24, 43 and 76 of 2005) the following amendments are made:

1. Article 78a:

a) In Paragraph 1, indent "a", the words "up to two years" shall be replaced by "up to three years" and the words "up to three years" - by "up to five years";

b) A new paragraph 6 shall be created:

"(6) When the grounds under Paragraph 1 are present and the act has been committed by an underage individual, the court shall exempt him/her from criminal liability. In this case the court shall impose the perpetrator an administrative sanction of public reprimand, where he/she has turned 16 years of age or educational measures, where he/she has not turned 16 years of age."

2. In Article 343, paragraph (2) the words "the perpetrator shall not be punished" shall be replaced with the words "the criminal proceedings shall be terminated".

3. In Article 343a, paragraph (2) the words "the perpetrator shall not be punished" shall be replaced with the words "the criminal proceedings shall be terminated".

4. The provisions of Article 406, Paragraph 3 and 4 are rescinded.

5. Article 424:

a) Paragraph 6 shall be amended, as follows:

"(6) As regards the military service officers, as well as the officers and non-commissioned officers and the rank-and-file staff of other agencies, the administrative sanctions provided for in this code shall be imposed by the respective commanders and heads, having the right to impose disciplinary sanctions. In this case the appeals against penal decrees shall be examined by a military court";

b) Paragraph 7 shall be rescinded.

6. In the transitional provisions of the Criminal Code Amendment Act (SG No. 26 of 2004) in § 90 the words "Article 304" are replaced with "Article 306".

7. In the Criminal Code Amendment Act (SG No. 103 of 2004) in § 44 the words "Article 304" are replaced with "Article 306".

§ 6. In the Code of Civil Procedure (published, SG No. 12 of 1952, amended, No. 92 of 1952, No. 89 of 1953, No. 90 of 1955, No. 90 of 1956, No. 90 of 1958, No. 50 and 90 of 1961; amended, No. 99 of 1961; amended, SG No. 1 of 1963, No. 23 of 1968; No. 27 of 1973, No. 89 of 1976, No. 36 of 1979, No. 28 of 1983, No. 41 of 1985, No. 27 1986, No. 55 of 1987, No. 60 of 1988, No. 31 and 38 of 1989, No. 31 of 1990, No. 62 of 1991, No. 55 of 1992, No. 61 and 93 of 1993, No. 87 of 1995, No. 12 and 26 of 1996, No. 37, 44 and 104 of 1996, No. 43, 55 and 124 of 1997, No. 21, 59, 70 and 73 of 1998, No. 64 and 103 of 1999, No. 36, 85 and 92 of 2000, No. 25 of 2001, No. 105 and 113 of 2002, No. 58 and 84 of 2003 and No. 28 and 36 of 2004, No. 38, 42, 43 and 79 of 2005) the following amendments are made:

1. In Article 63, Paragraph 1:

a) in indent "b" the word "and" after "expenses" shall be deleted;

b) indent "e" shall be created:

"e) by the claimant in respect of damage claims arising from delicts out of a criminal offence in respect to which an effective sentence exists."

2. In Article 65, Paragraph 2 at the end the following is added "except in cases under Article 63, Paragraph 1, indent "e".

3. In Article 97, Paragraph 4, the words "Article 21, Paragraph 1, items 2 - 5" shall be replaced by "Article 24, Paragraph 1, items 2 - 5" and the words "Article 22, item 2 and Article 22a" shall be replaced by "Article 25, item 2 and Article 26".

4. In Article 126a:

a) In Paragraph 1, indent "c" shall be created:

"c) in relation to damage claims arising from delicts out of a criminal offences in respect to which an effective sentence exists.";

b) in Paragraph 2, the words "indent "m" and the amendment" are replaced by "indent "m" and in case of amendment".

§ 7. In the Tax Procedure Code (published, SG No. 103 of 1999; No. 29 of 2000 - Decision № 2 of the Constitutional Court of 2000; amended, No. 63 of 2000, No. 109 of 2001, No. 45 and 112 of 2002, No. 42, 112 and 114 of 2003, No 36, 38, 53 and 89 of 2004, No. 19, 39, 43 and 79 of 2005) in Article 91 the words "Article 97a" are replaced with "Article 123".

§ 8. In the Special Intelligence Means Act (published, SG No. 95/1997, amended, SG No. 70/1999, SG No. 49/2000, SG No. 17/2003) the following amendments are made:

1. In the provisions of Article 2, Paragraph 3, after the word "information", a comma shall be placed and the following shall be added "controlled delivery, trusted transaction and investigation through an undercover officer".

2. Articles 10a, 10b and 10c shall be created:

"Article 10a. A controlled delivery shall be performed by an intelligence body and shall be used by an investigating or body within the limits of their competence in the presence of uninterrupted strict control on the territory of the Republic of Bulgaria or another country within the context of international cooperation, during which a controlled individual shall be import, export, carry or effect transit transportation through the territory of the Republic of Bulgaria of an object, which makes the object of a criminal offence, with a view of detecting those involved in a trans-border crime.

Article 10b. A trusted transaction shall be used by the undercover officer and it shall be the conclusion of an apparent sale or another type of transaction involving an item with a view to gaining the trust of the other party involved in it.

Article 10c. The undercover officer shall be an officer of the competent services under the Ministry of Interior Act and the Republic of Bulgaria Defence and Armed Forces Act or of the National Intelligence Service, authorised to make or keep contact with a controlled individual with a view to obtaining and uncovering information about serious intentional criminal offences and the organisation of criminal activity."

§ 9. In the Implementation of Penal Sanctions Act (published, SG No. 30 of 1969; amended, No. 34 of 1974, No. 84 of 1977, No. 36 of 1979, No. 28 of 1982, No. 27 and 89 of 1986, No. 26 of 1988, No. 21 of 1990, No. 109 of 1993, No. 50 of 1995, No. 12 and 13 of 1997, No. 73 and 153 of 1998; No. 49 of 2000, No. 62 and 120 of 2002, No. 61, 66, 70 and 103 of 2004) the following amendments are made:

1. In Article 100, indent "f" the words "Article 361, Paragraph 2" shall be replaced by "Article 420, Paragraph 3", and the words "Article 362a, Paragraph 2" - by "Article 423, Paragraph 2".

2. In the transitional and final provisions of the Sentence Enforcement Amendment Act (SG No. 103/2004), in § 54, the words "Article 304" shall be replaced by "Article 306".

§ 10. In the Law ot Extradition and European Arest Warrent (SG No. 46/2005) the following amendments shall be made:

1. In Article 13:

a) In Paragraph 7 the words "Article 152a, Paragraph 5 and 8" shall be replaced by "Article 64, Paragraph 3 and 5";

b) In Paragraph 10 the words "Article 152b" shall be replaced by "Article 65".

2. In Article 15, Paragraph 1 the words "Article 152a, Paragraph 5 and 8" shall be replaced by "Article 64, Paragraph 3 and 5".

3. In Article 43:

a) In Paragraph 2, the words "Article 152a" shall be replaced by "Article 64";

b) In Paragraph 4, the words "Article 152b" shall be replaced by "Article 65".

§ 11. In the Ministry of Interior Act (published, SG No. 122 of 1997, No. 29 of 1998 - Decision № 3 of the Constitutional Court of 1998; amended, No. 70, 73 and 153 of 1998, No. 30

and 110 of 1999, No. 1 and 29 of 2000, No. 28 of 2001, No. 45 and 119 of 2002, No. 17, 26, 95, 103, 112 and 114 of 2003, No. 15, 70 and 89 of 2004, No. 11, 19 and 27 of 2005) the following amendments are made:

1. In Article 181a, Paragraph 2, item 2, the words "Article 21, Paragraph 3" shall be replaced by "Article 24, Paragraph 3".

2. In Article 259, the words "Article 154 and Article 392" shall be replaced by "Article 69 and 403".

§ 12. In the Criminal Assets Forfeiture Act(SG No. 19/2005), in Article 3, Paragraph 2, item 3, the words "Article 22" shall be replaced by "Article 25".

§ 13. In the Combating Trafficking in Human Beings Act (SG No. 46/2003), in Article 31 the words "Article 97a" shall be replaced by "Article 123".

§ 14. In the Bulgarian Identity Documents Act (published, SG No. 93 of 1998; amended, No. 53, 67, 70 and 113 of 1999, No. 108 of 2000, No. 42 of 2001, No. 45 and 54 of 2002, No. 29 and 63 of 2003, No. 96, 103 and 111 of 2004, No. 43 and 71 of 2005) in Article 75, item 3 the words "Article 153a" are replaced with "Article 68".

§ 15. In the Judicial System Act (published, SG No. 59 of 1994, No. 78 of 1994 - Decision № 8 of the Constitutional Court of 1994, No. 87 of 1994 - Decision № 9 of the Constitutional Court of 1994, No. 93 of 1995 - Decision № 17 of the Constitutional Court of 1995; amended, No. 64 of 1996, No. 96 of 1996 - Decision № 19 of the Constitutional Court of 1996; amended, No. 104 and 110 of 1996, No. 58, 122 and 124 of 1997, No. 11 and 133 of 1998, No. 6 of 1999 - Decision № 1 of the Constitutional Court of 1999; amended, No. 34, 38 and 84 of 2000, No. 25 of 2001, No. 74 of 2002, No. 110 of 2002 - Decision № 11 of the Constitutional Court of 2002, No. 118 of 2002 - Decision № 13 of the Constitutional Court of 2002; amended, No. 61 and 112 of 2003, No. 29, 36 and 70 of 2004, No. 93 of 2004 - Decision № 4 of the Constitutional Court of 2004, No. 37 of 2005 - Decision № 4 of the Constitutional Court of 2005; amended, No. 43 of 2005) the following amendments are made:

1. Article 118a shall be created:

"Article 118a. (1) In discharge of the function under Article 118, item 1, the prosecutor shall govern the investigation and exercise constant supervision for its lawful conduct as a supervising prosecutor.

(2) Where the involvement of the supervising prosecutor in the examination of the case at a court hearing is impossible for valid reasons, the higher-standing prosecutor shall appoint another prosecutor who shall replace him/her."

2. In Article 168, Paragraph 1, after the words "as well as" the following shall be added "for a systemic violation of time limits set forth in procedural legislation, for the performance of acts which delay the proceedings beyond any justification and".

3. Article 188t shall be created:

"Article 188t. (1) Where possible, all case acts and documents shall also be prepared on electronic carrier.

(2) Where a pending case or file must be enclosed with another case, a full copying of the material will be made, which shall be certified by the body before which proceedings are pending and the copy shall be sent to proceed with such attachment."

§ 16. In the Customs Act (published, SG No. 15 of 1998; amended, No. 89 and 153 of 1998, No. 30 and 83 of 1999, No. 63 of 2000, No. 110 of 2001, No. 76 of 2002, No. 37 and 95 of 2003, No. 38 of 2004, No. 45 of 2005) in Article 15, Paragraph 2, item 9 is rescinded.

§ 17. The application of the Code shall be hereby assigned to the Minister of Justice and the Minister of the Interior.

§ 18. The code shall enter into force six months after its publication in "State Gazette".

TRANSITIONAL AND FINAL PROVISIONS
to the Act Amending and Supplementing the Criminal Procedure Code
(SG No. 109/2008)

§ 37. (1) Uncompleted criminal cases with changed jurisdiction shall be tried by the courts in which they have been instigated.

(2) Uncompleted pre-trial proceedings shall be brought to a close by the bodies before which they are pending.

(3) The timeline under Article 112(3) which had expired prior to this Act's entry into force shall be valid.

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TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Criminal Code

(SG No. 27/2009)

§ 64. In the Criminal Procedure Code (promulgated, SG No. 86/2005, amended, SG No. 46 and 109/2007, SG No. 69 and 109/2008, SG No. 12/2009) the following amendments and supplemendmendts are made:

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§ 65. The hitherto existing procedure for determining the punishment as per Article 373(2) shall apply in respect of pending litigations in which the court has taken a decision ordering a preliminary hearing pursuant to Article 372(4) of the Criminal Procedure Code.

.....

§ 70. Paragraphs 36, 50, 51, 52, 53 and § 64, item 1, shall become effective from 10.04.2009, § 1, 2, 3 and 64, items 2, 3, 4, 7 and 8 shall become effective from 1.06.2009.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Criminal Procedure Code

(SG No. 32/2010, effective 28.05.2010)

§ 65. Any information obtained when applying special intelligence means prior to the entry into force of this Act may not be used in criminal proceedings as per the conditions and the procedure laid down in Article 177(3).

§ 66. (1) Any pending court proceedings under Chapter Twenty-Six shall be completed as per the current procedures.

(2) Court rulings issued under the repealed Article 369(5) shall be subject to review as per the procedure laid down in Chapter Thirty-Three and upon entry into force of this Act. The review shall be conducted on the grounds of Article 422, Paragraph 1, items 1 - 3, as well as in cases of material violations of procedural rules.

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§ 72. This Act shall become effective one month after its primulgation in the State Gazette with exeption of § 5, which shall become effective one year after its primulgation in the State Gazette.

TRANSITIONAL AND FINAL PROVISIONS

to the Act Amending and Supplementing the Code Of Criminal Procedure

(SG No. 13/2011, effective 1.01.2012, amended, SG No. 61/2011,

supplemented, SG No. 19/2012, effective 6.03.2012)

§ 9. (1) Court proceedings instituted in cases falling within the jurisdiction of a specialised criminal court for which judicial trial has not commenced shall be terminated by the judge rapporteur and orwarded to the relevant prosecutor.

(2) (Supplemented, SG No. 19/2012, effective 6.03.2012) Uncompleted pre-trial proceedings shall be finalised by the pre-trial authorities that had jurisdiction over the pending proceedings prior to the entry into force of this Act. Judicial control over such proceedings shall be exerted by the court competent until 31 December 2011.

§ 11. (Amended, SG No. 61/2011) This Act shall enter into force from 1 January 2012.

ACT to Amend the Criminal Procedure Code

(SG No. 61/2011)

.....

§ 3. In the Transitional and Final Provisions of the Law on Amendments to the Criminal

Procedure Code (SG No. 13 of 2011) in § 11 the words "six months after its publication in the" Official Gazette" is replaced by "1 January 2012".

TRANSITIONAL AND FINAL PROVISIONS
to the Act Amending and Supplementing the Code of Criminal Procedure
(SG No. 93/2011)

§ 17. (Effective 1.01.2012) Open pre-trial proceedings shall be completed by the authorities before which they are pending.

§ 18. Paragraphs 2, 3, 4, 5, 6, 7, 8, 13, 14, § 15 item 1 and § 17 shall enter into force as of 1 January 2012.

TRANSITIONAL AND FINAL PROVISIONS
of the Act to Amend and Supplement
to the State Agency for National Security Act
(SG No. 52/2013, effective 14.06.2013)

§ 13. (1) The service employment status of civil servants of the general anti-organized crime directorate under the ministry of interior shall be transformed into service employment status with the state agency for national security provided that said civil servants satisfy the employment requirements of the latter.

(2) The employment status of hired personnel of the general anti-organized crime directorate under the ministry of interior shall be transformed into employment status with the state agency for national security under Article 123 of the labor code, provided that said employees satisfy the employment requirements of the latter.

(3) Persons as per Paragraph (1) and Paragraph (2) shall be transferred to the state agency for national security without a trial period, except those who are serving a trial period already.

(4) The length of service and seniority accumulated under the ministry of interior act by civil servants and employees transferred to the state agency for national security shall count as employment with the same employer institution, including for purposes of payment of the requisite severance packages in the event of termination.

(5) The length of service as a civil servant under the ministry of interior act for which no compensation has been received upon the transfer of an officer or employee to the state agency for national security shall be considered in determining the compensation as per Article 117 and Article 118 (2).

§ 14. (1) The state agency for national security is the legal successor of the assets and liabilities, the archives and any other rights and obligations of the general anti-organized crime directorate under the ministry of interior.

(2) The capital assets of the ministry of interior used by the general anti-organized crime directorate shall be handed over to the state agency for national security.

(3) Within three months from the entry into force of this act, the council of ministers shall settle any and all official relations pertinent to the transformation of the administrative structures as per Paragraph (1).

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§ 17. Any open pre-trial investigations that prior to the entry into force of this Act were carried out by investigators of the General Anti-Organized Crime Directorate of the Ministry of Interior shall be assigned by the prosecutor in charge to a competent investigating officer.

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ACT Amending and Supplementing the Code of Criminal Procedure
(SG No. 21/2014)

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Additional Provision

§ 5. This Act transposes the requirements of Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280/1 of 26 October 2010).

Final Provisions

.....

§ 8. Paragraph 4 concerning Article 395e shall be effective as of the date of entry of the provision of Article 403 (2) of the Judiciary Act into force.

TRANSITIONAL AND FINAL PROVISIONS
to the Act Amending and Supplementing the Protection
of Individuals at Risk in Relation to Criminal Proceedings Act
(SG No. 21/2014, effective 9.04.2014)

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§ 22. In the Criminal Procedure Code (promulgated, SG No. 86/2005, amended, SG No. 46 and 109 of 2007, SG No. 69 and 109/2008, SG No. 12, 27, 32 and 33/2009, SG No. 15, 32 and 101/2010, SG No. 13, 33, 60, 61 and 93/2011; Decision No. 10 of the Constitutional Court in 2011 - SG No. 93/2011, amended, SG No. 19, 20, 25 and 60/2012, SG No. 17, 52, 70 and 71/2013) the following amendments:

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§ 24. The Act shall be effective one month after its promulgation in the "State Gazette".

TRANSITIONAL AND FINAL PROVISIONS
to the Act Amending and Supplementing the Code of Criminal Procedure
(SG No. 42/2015)

§ 30. (1) Ongoing criminal cases the jurisdiction for which has changed shall be tried by the courts of their initiation.

(2) Ongoing criminal cases under Chapter Thirty-Three shall be tried by the Supreme Court of Cassation.

(3) Ongoing pre-trial proceedings shall be completed by the authorities before which they are pending.

.....

§ 34. Paragraph 6(2) shall enter into force after the coming into force of the law under Article 68(2).

TRANSITIONAL AND FINAL PROVISIONS
to the Act Amending and Supplementing the Customs Act
(SG No. 60/2015)

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§ 46. Any pre-trial proceedings under Article 194(3) and (5) of the Criminal Procedure Code pending before the entry into force of this act, shall be finalized by the bodies, to which they were referred to.

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TRANSITIONAL AND FINAL PROVISIONS
to the Implementation of Penal Sanctions and Detention in Custody Act
(SG No. 32/2016)

§ 83. The Criminal Procedure Code (publ., SG No. 86/2005, amended, SG Nos. 46 and 109/2007, Nos. 69 and 109/2008, Nos. 12, 27, 32 and 33/2009, Nos. 15, 32 and 101/2010, Nos. 13, 33, 60, 61 and 93/2011, Decision No. 10 of the Constitutional Court of 2011 - SG No. 93/2011; amended, SG Nos. 19, 20, 25 and 60/2012, Nos. 17, 52, 70 and 71/2013, No. 21/2014 and Nos. 14, 24, 41, 42, 60, 74 and 79/2015) shall be amended as follows:

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§ 84. Any proceedings under Articles 445 and 448 of the Criminal Procedure Code, pending upon the entry into force of this Act, shall be completed in accordance with the procedure applicable hitherto.

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ACT
to Amend and Supplement the Criminal Procedure Code
(SG No. 63/2017, effective 5.11.2017)

.....

Supplementary provision

§ 104. This Act implements the requirements of:

1. Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (OJ L 315/57 of 14 November 2012).

2. Council Framework Decision 2009/948/JHA of 30 November 2009 on prevention and settlement of conflicts of exercise of jurisdiction in criminal proceedings (OJ, L 328/42 of 15 December 2009).

Transitional and Concluding Provisions

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§ 113. (1) Any pending cases prior to the entry into force of this Act with changed jurisdiction shall be tried by the courts in which they have been instigated.

(2) Any pre-trial proceedings which were not completed prior to the entry into force of the Act shall be completed by the authorities before which they are pending.

(3) Any proceedings under the repealed Chapter Twenty-Five which were not completed prior to the entry into force of this Act shall be completed as per the hitherto existing procedure.

§ 114. The provisions of Paragraphs 13, 15, 36 - 46, 62, 72, 76, 77 and 78 shall not apply to the judicial proceedings, which were not completed prior to the entry into force of this Act, under which judicial trial has commenced.

§ 115. Any court rulings pronounced prior to the entry into force of this Act and issued under the repealed Article 369, Paragraph (5) shall be subject to review as per the procedure laid down in Chapter Thirty-Three and upon entry into force of this Act. The review shall be conducted on the grounds of Article 422, Paragraph (1), Items 1 - 3, as well as in cases of material violations of procedural rules.

.....

TRANSITIONAL AND FINAL PROVISIONS

to the Act to Amend and Supplement the Criminal Code

(SG No. 7/2019)

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§ 18. Paragraph 7, item 6 which shall enter into force 6 months after the promulgation of this act into the State Gazette.

ACT

to Amend and Supplement the Criminal Procedure Code

(SG No. 103/2020)

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Supplementary provision

§ 11. This Act and Article 253, Paragraph 3, Item 5 of the Criminal Code introduce the requirements of Directive (EU) 2018/1673 of the European Parliament and of the Council of 23 October 2018 on combating money laundering by criminal law (OJ, L 284/22 of 12 November 2018).

Transitional and final provisions

§ 12. The European Prosecutor and the European Delegated Prosecutors may intervene in the pending criminal proceedings for crimes within the competence of the European Public Prosecutor's Office committed after 20 November 2017, instituted by the authorities of the Republic of Bulgaria, in accordance with Regulation (EU) 2017/1939.

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TRANSITIONAL AND FINAL PROVISIONS

to the Act Supplementing the Criminal Procedure Code

(SG No. 16/2021)

§ 8. Within three months of the entry into force of this Act, the Supreme Judicial Council shall conduct the procedure for election of a prosecutor for the investigation against the Prosecutor General or his deputy.

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TRANSITIONAL AND FINAL PROVISION

§ 35. Within 6 months of the entry into force of this Act, the Supreme Judicial Council shall send for coordination all systems in force under Art. 360b, paragraph 3, item 2 of the Judiciary System Act.